

Maryland DNR
Sport Fisheries Advisory Commission
Meeting

Tuesday,
October 9, 2012

Held at the
Tawes State Office Building
Annapolis, Maryland

Maryland DNR
Sport Fisheries Advisory Commission Meeting

October 9, 2012

SFAC Members Present:

Jim Gracie, Chair

Bill Goldsborough

Greg Jetton

Val Lynch

Dr. Ray P. Morgan II

Ed O'Brien

David Sikorski

David Smith

Carol Stevenson

Roger Trageser

Brandon White

Bill Windley

James Wommack

SFAC Members Absent:

Larry Coburn

Herb Smith

Maryland DNR Fisheries Service

Marty Gary

Gina Hunt

Maryland DNR
Sport Fisheries Advisory Commission Meeting

October 9, 2012

INDEX

	<u>Page</u>
Welcome and Announcements	
by Chair Jim Gracie, SFAC and Marty Gary, MD DNR Fisheries Service	6
Fisheries Service Response to Chairman Gracie's Request	
by Gina Hunt, Deputy Director MD DNR Fisheries Service	7
Questions and Answers	
by Jim Gracie	9
by Carol Stevenson	11
by Jim Gracie	11
by Bill Goldsborough	14
by Ed O'Brien	16
by David Smith	17
by David Sikorski	17
by David Smith	20
by Jim Gracie	21
by Ed O'Brien	23
by Greg Jetton	25
by Ed O'Brien	25
by Bill Goldsborough	26
by Jim Gracie	27
Regulatory Update	
by Jacob Holtz MD DNR Fisheries Service	34
Questions and Answers	
by David Sikorski	37
NRP Activity Report	
by CPL. Beth Mauck	37
Questions and Answers	
by Bill Goldsborough	37
by James Wommack	39
by Ed O'Brien	40
by David Smith	42
by Val Lynch	43

**Maryland DNR
Sport Fisheries Advisory Commission Meeting**

October 9, 2012

INDEX (continued)

	<u>Page</u>
<i>DNR Press Release Policy</i>	
by Lt. Art Windemuth, MD DNR NRP	44
<i>Questions and Answers</i>	
by David Smith	47
by Jim Gracie	49
by Greg Jetton	50
by Ed O'Brien	51
by David Smith	55
<i>Discussion of Language Barriers to Enforcement of Maryland's Recreational Fishing Laws and Regulation</i>	63
<i>Questions and Answers</i>	
by David Smith	68
by Roger Trageser	69
by David Sikorski	70
<i>Inland Fisheries Update</i>	
by Don Cosden, MD DNR Fisheries Service	71
<i>Questions and Answers</i>	
by Bill Goldsborough	76
by Jim Gracie	77
by Roger Trageser	78
by Carol Stevenson	81
by Dr. Ray Morgan	82
<i>Estuarine Fisheries Update</i>	
by Mike Luisi, MD DNR Fisheries Service	86
<i>ASMFC Preview</i>	86
<i>Questions and Answers</i>	
by Dr. Ray Morgan	91
by David Sikorski	91

Maryland DNR
Sport Fisheries Advisory Commission Meeting

October 9, 2012

INDEX (continued)

	<u>Page</u>
<i>Pound Net Management Update</i>	92
<i>Questions and Answers</i>	
by Greg Jetton	97
by Jim Gracie	98
by David Sikorski	99
by Brandon White	101
by Jim Gracie	106
by David Sikorski	108
<i>MOTION</i>	109
<i>Status of Spotted Sea Trout Management</i>	113
<i>Questions and Answers</i>	
by Jim Gracie	115
by Ed O'Brien	116
by David Sikorski	117
by Brandon White	117
<i>2012 Annual Budget Report</i>	
by Gina Hunt, Deputy Director MD DNR Fisheries Service	120
<i>Questions and Answers</i>	
by Carol Stevenson	122
<i>Action Items</i>	
by Marty Gary, MD DNR Fisheries Service	124
<i>Discussion on Meeting Schedule</i>	
by Marty Gary, MD DNR Fisheries Service	127

KEYNOTE: "---" denotes inaudible in the transcript.

A F T E R N O O N S E S S I O N

(2:00 p.m.)

Welcome and Announcements***by Jim Gracie, Chair, SFAC******and Marty Gary, MD DNR Fisheries Service***

MR. GRACIE: Let's get started. You have announcements, Marty?

MR. GARY: Just the standard, Mr. Chairman. Members of the commission, members of the public, welcome to the autumn meeting of the Sport Fisheries Advisory Commission. We will have some extra agendas coming down. All the commissioners have them.

But just to let everyone here in attendance know there are two opportunities for public input. They come before a motion but after discussion with the commission itself. And also at a designated period toward the end of the meeting if time allows.

In the interim, if everybody could silence their cell phones and not -- you don't have to turn them off but just silence them. We do have a court reporter; we always do. Laura Jackson is here to take care of that for us today. I just mentioned to the chairman we have one commissioner running late, Val Lynch. And another one that it doesn't look like he is going to be here.

I did not hear from Larry Coburn or Brandon White

1 that they would not be here, and sent out the message to
2 everybody to confirm that, that I did not hear that they would
3 not. So hopefully they are just running behind.

4 Last, if we do have any comment from the public, we
5 do want them to take that comment over to the far end of the
6 table next to Commissioner Jetton. And Greg and Ed -- Dave,
7 we just switched you up if you don't mind because we had to
8 take public comment down there. So you are on this side,
9 Dave.

10 Ed and Greg, if you could slide down one chair, that
11 will give us room for two folks down there at the end. Just
12 slide over one if you could. So anybody who does come up for
13 public comment, please identify yourself and take a seat up
14 here before you offer your feedback to the commission.
15 Mr. Chairman?

16 MR. GRACIE: Thank you. Gina, do you want to take
17 the first issue? I understand you are representing Tom today?

18 MS. HUNT: I am. So Tom is not going to be at the
19 meeting so I will be handling for the department.

20 ***Fisheries Service Response to Chairman Gracie's Request***
21 ***by Gina Hunt, Deputy Director, MD DNR Fisheries Service***

22 MS. HUNT: The first agenda item was just a request
23 Chairman Gracie brought to his attention that some of the
24 Sport Fish members have been concerned about the
25 responsiveness of fisheries service to commission requests.

1 So there in Tab 2 is a response. Now the first part of it is
2 basically a memo from Tom. And then following that is a
3 summary of what the management team -- which consists of Tom,
4 the deputy directors and the assistant directors -- of
5 fisheries service have been up to for about the last four to
6 six weeks.

7 So it is a snapshot of just what fisheries service
8 and the management team has been doing, and then past that,
9 fisheries service generates weekly reports that go out to our
10 leadership team. And so we thought it would be helpful so you
11 can see what staff has been doing for the last four to six
12 weeks.

13 There are about five or six weeks' worth of reports
14 that follow this. So it is a lot of information and certainly
15 not something you will be able to read right now. But
16 certainly read through it to get a context for what fisheries
17 service does on a day-to-day basis.

18 At the beginning of that memo, Tom does ask if, as
19 this is an agenda item, to have the commission just be able to
20 articulate back to fisheries service which requests we have
21 not been responsive to, to give us some idea as to what the
22 concern is. So we just want to provide for you what we have
23 been up to, and if you could just tell us where we have not
24 been meeting your expectations, that would help us with this
25 outlook.

Questions and Answers

MR. GRACIE: A little bit of clarification: I am not sure what you think about where I am coming from on this, but my concern is some of the commissioners felt they weren't getting timely response, and my belief has been and is that they are in overload. They can't do everything at once and they have got too much to do.

And I sat down with Tom in a one-on-one meeting and I said, I think it would be helpful if you would make it clear to the commission what issues you are working on and tell us what you think your priorities are for those issues and give us an opportunity to respond.

If priorities can be changed and you think they should be changed and commissioners wish them to be changed, that may be something you want to consider. So Tom is kind of asking for some feedback from us on what things are not moving along fast enough for our satisfaction. That is all. Ed?

MR. O'BRIEN: Jim, I was wondering -- it is probably too late now, but I thought the first item that Gina started off with might slip down a little bit based upon what you said about some of the commissioners are going to be a little late. So that was one thing.

The other thing is we have some guests who are here today. I wonder if the people could introduce themselves around the table, the people in the background.

1 MR. GRACIE: That is a great idea. Would the guests
2 like to say who they are? Go around the room? Some of you
3 are staff.

4 (Audience introductions)

5 MR. GRACIE: Thank you. I think the rest of our
6 commissioners have arrived so Ed was asking if we moved that
7 down on the agenda so the full commission could participate in
8 the discussion. For Bill and Brandon, who came in late, the
9 first item on the agenda, Gina was ready to present this
10 issue, and there is a memo from Tom and there is a list of
11 priorities and issues and things that the fisheries service is
12 working on.

13 And the background I gave that you guys missed was
14 that I had gone to Tom with a concern expressed to me by some
15 commissioners that the department was not being responsive and
16 timely in their responses to issues that the commission had
17 raised. My feeling about that is that the problem is they are
18 in overload and they can't do everything at once.

19 So if they could present to us, give us a kind of
20 synopsis of the things they are working on, then we would have
21 an opportunity to give them some feedback on what we think the
22 priorities should be. To the extent that they can and are
23 willing to change them, then that may happen. So that is
24 where we are. Is that a fair summary?

25 MS. HUNT: Yep.

1 MR. GRACIE: I know you all won't have time to read
2 all that. This is the first time I saw this today too.

3 MR. SIKORSKI: On the agenda it says handout
4 pending. No longer pending, correct? That is the handout.

5 MS. HUNT: Yes. The agenda also says preliminary
6 and it is now final.

7 MR. GRACIE: Does anybody want to add anything or
8 make a comment about that or do you want to defer that until
9 you have a chance to review it. Carol?

10 MS. STEVENSON: Well, you know my issue, Jim. I
11 know we are going to address it other places, and I don't know
12 whether it is appropriate to raise it here.

13 MR. GRACIE: I may know your issue, but speak to the
14 whole commission. They don't necessarily know your issue,
15 Carol.

16 MS. STEVENSON: The issue has been for the last year
17 or more what to do about the encroachment of illegal
18 commercial activities on the Gunpowder River. And we have
19 tried to engage just about everybody we know. We have gotten
20 promises, some promises of help, from DNR fisheries, resource
21 police. And so far we have really no traction. And that is
22 all.

23 MR. GRACIE: Okay, just so the commissioners know, I
24 declined to have that put on the agenda today because, in my
25 view, the commission had the presentation, the commission took

1 a pretty strong position on the issue a year ago, and I don't
2 believe there is anything else the commission can do as a
3 commission.

4 What I did do, and Carol and others have engaged
5 John Griffin, and there is going to be a meeting after this
6 commission meeting with John in which he is going to update
7 all of us on what they have been doing and what they plan to
8 do about the illegal commercial activity.

9 What Carol is referring to is tubing on the
10 Gunpowder. It has reached gargantuan proportions, to the
11 point that anyplace where the tubers are there on summer
12 weekends, fishing is impossible. Furthermore, they are doing
13 it in violation of the law and wildlands. In fact, there is
14 quite a bit of violation of the law in terms of alcohol and
15 parks. So these are kind of the cruxes of that issue.

16 But overall it is a terrible nuisance, and it is
17 really degrading what otherwise is an outstanding trout
18 fishery. So I don't know that there is anything else we can
19 do. We actually took a position and sent a letter to John
20 saying that we wanted the department to limit any activities
21 that interfered with the highest and best use, which we
22 consider the special area of trout fishing we have.

23 So it is not that the commission is not interested,
24 and it is not that the department is not interested. The ball
25 is in the department's court to some extent, and there is a

1 multi-jurisdictional problem too, which people have failed to
2 work out. At any rate, is that a fair statement of things,
3 Carol? Anything else? Any other comments?

4 (No response)

5 MS. HUNT: I know you didn't have time to read
6 through the memo, but the very last point in Tom's memo was
7 just if the commission could articulate to us what we have not
8 been responsive in. And Carol, I appreciate your bringing
9 that up. Fisheries service has certainly tried to be
10 responsive to that tubing issue. I realize it is not
11 resolved. But we have certainly tried our best to be
12 responsive.

13 But I am just -- in looking, was that the only issue
14 that was of concern to the commission?

15 MR. GRACIE: Speak up, folks. David?

16 MR. SMITH: Not having read this yet, I might not be
17 able to speak to what is not, you know, being handled. The
18 2013 legislative priorities identify and develop proposals,
19 this isn't necessarily the priority list, right?

20 MS. HUNT: I don't know what page you're on.

21 MR. SMITH: Page one, or I guess it would be page
22 two.

23 MS. HUNT: Sure, that is -- it is not in priority
24 order. That is simply what the management team has been doing
25 for the last six weeks. So it is more of a workload report,

1 not a priority report, because they are not in any particular
2 order.

3 MR. GRACIE: If the commissioners are not prepared
4 to digest this and respond to it today, which I think is
5 understandable, I will be happy to accept and compile comments
6 and forward them to fisheries, and we will discuss them in a
7 future meeting. Yes, Bill?

8 MR. GOLDSBOROUGH: I will just make one broad
9 comment. Just from glancing at this list, but knowing a lot
10 of what the department is working on now anyway, I think it is
11 an impressive list of activities, and virtually all of it is
12 things that I think this body would view as critical.

13 And just by thinking back on other iterations of the
14 department and different personnel over the last 30
15 years -- different secretaries, fisheries directors and so
16 forth -- I believe that the group now, as evidenced by this
17 list, is doing more of the critical work, conservation-related
18 work, that we care about, fisheries management, science to
19 base it on, than we have ever seen before.

20 And yet there are issues that come up, issues of
21 importance that an advisory body like this should bring up,
22 and yet -- and we shouldn't hesitate to do that -- but I think
23 we need, to some degree, to trust the department to take them
24 in, as advisory, and focus on them as they view them as a
25 priority relative to all these other activities and within

1 limitations of resources.

2 So I think that last paragraph on the first page is
3 a pretty significant statement that we should keep in mind and
4 trust that things that we bring to the table will be looked at
5 properly as soon as they can be, but know that there are a lot
6 of very, very important things being done.

7 I am just really blown away by this list. I also
8 would note that a lot of us here participated in the fisheries
9 management task force a few years ago that was really a
10 watershed event from the standpoint of recreational fisheries.

11 It gave rise to those four principles that we have
12 talked about a lot that are now guiding the department's work
13 in fisheries, that are just a whole new world from where we
14 were before. Cutting-edge stuff that can't happen overnight
15 but a lot of these things that they are involved in are
16 implementing those principles, applying those principles.

17 So we ought to be very happy about that. I am
18 ecstatic about it frankly. There is still a lot more to be
19 done. But just that budget analysis that we have been seeing
20 in a couple of different meetings is very impressive stuff,
21 trying to get at the cost-recovery issues, accountability
22 issues. So I feel really good about where we are with this
23 fisheries service in this department.

24 And yet I do think we do have a continuing advisory
25 role, that we have a responsibility to bring things to the

1 table that we have become aware of because of constituencies
2 that we might work with and represent. But as I said, I think
3 trust, in a large way, to a large degree, that the department
4 will evaluate and work on those things as they can and as they
5 prioritize their work.

6 MR. GRACIE: Ed.

7 MR. O'BRIEN: I too support that last paragraph, and
8 Bill, you put it very well. I think the priority thing within
9 the department right now is as severe as I have ever seen it.
10 Mainly because addressing the commercial fishery and how it
11 pays for itself, and even more than that is the alternatives
12 that are suggested as to how this commercial fishery on
13 striped bass can be managed.

14 And I have just read some of this report and it is
15 very impressive. A lot of thought has gone into it from the
16 department's standpoint. I don't agree with it all. I see
17 where it can get to where it affects boats for hire and
18 recreational fishermen.

19 But they have done a lot of work on it, and they
20 have thrown out a lot of alternatives that give people the
21 opportunity to express their opinions. I am very impressed
22 with that work. To me, it dwarfs a lot of these weeds that we
23 get into relative to commercial fisheries. Some of the things
24 we want more information on, and we would like to solve the
25 problem right away.

1 So I would just like to go on record as supporting
2 Bill's statement that I know he put a lot of thought into.

3 MR. GRACIE: Dave.

4 MR. SMITH: I would like to see something that
5 wasn't, that it maybe, that I think, to a satisfactory degree,
6 was the review of the striped bass allocation, the policy that
7 we have now. I know back -- I guess it was a year ago, maybe
8 even longer, when that whole reallocation discussion was going
9 on, and I just think that maybe the department didn't really
10 take that into consideration.

11 Or I think if they would have, we possibly might not
12 have as big an issue with cost recovery as we do now because
13 the resource would be properly allocated and therefore the
14 numbers would look a lot different. But I think, I would I
15 guess advise the department to really seriously take a look at
16 that striped bass allocation and that is about it. I think
17 that is one thing that they haven't done.

18 MR. GRACIE: Dave.

19 MR. SIKORSKI: I just want to say I agree with Bill
20 and Ed's comments. If you look at where we were and where we
21 are now and where we are going, and I think we should all be
22 extremely optimistic about the direction this department is
23 taking us in. In times when budgets continue to shrink, and
24 they are taking on major issues like cost recovery.

25 I mean, that is something way out ahead of what

1 other states are doing and where we are in the fisheries
2 management scheme of things in history. And some of the hard
3 work they are doing and things that keep coming back at them,
4 you know, things like the gill net situation last year. That
5 is like something new that pops up that they have to address,
6 and it does take a great amount of time.

7 As an advisory panel, I think in the recent past
8 some of us have brought things that maybe aren't quite advice
9 but more are criticisms, which really aren't an effective use
10 of our time, you know, as a recreational community.

11 If we are constantly criticizing, if an advisory
12 body is constantly criticizing, it kind of creates this
13 uneasiness between the recreational community and the
14 department and we need to have that trust as opposed to so
15 much criticism about what they are doing to be able to work
16 with them.

17 And have that trust that just says, this is what we
18 think you guys should be doing. You are not always going to
19 do it exactly the way we want you to, but we appreciate the
20 efforts you are making to move forward. If you look at the
21 major timeline as to what has happened in the last few decades
22 of fisheries management in Maryland, we are heading in the
23 right direction, and there are some amazing things happening
24 right now, and I appreciate your efforts on those issues.

25 MR. GRACIE: I have a question for clarification.

1 Your statement of allocation, were you trying to say -- what I
2 didn't hear was, were you trying to say if the department had
3 done a reallocation, they would have a different problem now
4 because they developed an allocation policy --

5 MR. SMITH: Yes, perhaps.

6 MS. HUNT: Can I ask one more, one clarifying
7 question too? So it wasn't that you thought we
8 weren't -- that the allocation policy itself wasn't given
9 proper attention. It was that the triggers in the policy,
10 within the policy itself, we haven't used it to do a
11 reallocation of striped bass.

12 MR. SMITH: Yes.

13 MS. HUNT: But there isn't -- there hasn't been a
14 trigger through that policy to warrant that.

15 MR. SMITH: The department does not believe that out
16 of that whole list of criteria, that not one of them has been
17 met to trigger the reallocation, or the review of, I am sorry.

18 MS. HUNT: We would need some information to show us
19 that it does, it has triggered it.

20 MR. SMITH: You have the information. You are the
21 department.

22 MS. HUNT: But is the commission requesting --

23 MR. GRACIE: We don't know what you are talking
24 about, Dave, so you have to be specific.

25 MS. HUNT: Yes. Which trigger has been met?

1 MR. SMITH: Okay, you asked the department on what
2 you thought you haven't, you held up on. And I am telling
3 you, I was prepared to go into why we should have a review of
4 allocation. I mean, we could have that conversation now, but
5 I don't think -- I thought this was just a matter of you
6 wanted things that we thought the department hasn't fulfilled,
7 and that was one of them, reviewing striped bass allocation.

8 MR. GRACIE: I think you are correct. We are not
9 going to have that other discussion.

10 MS. HUNT: Right.

11 MR. GRACIE: Yes.

12 MR. SMITH: We will do the triggers and we will
13 submit the paperwork to hopefully trigger the reallocation,
14 and we will do that. But simply for this purpose, I think
15 that is

16 MR. GRACIE: The feedback that Dave is giving us is
17 that he doesn't think that issue has been dealt with.

18 MR. SMITH: This is very impressive and there is a
19 lot going on, and maybe, you know, with the budget how it is,
20 maybe it is time to really sit down and prioritize these
21 things. And maybe you have already done that. But if you
22 don't have the time or the money for all this stuff, maybe we
23 just have to sit down and really prioritize the important
24 things because you can become ineffective if you have so much
25 on your plate. Nothing gets done.

1 I am not saying that you are not getting anything
2 done. I am just saying that perhaps maybe there is so much
3 here, that we are lacking on a few things. Maybe it was a
4 year ago or two years ago, Jim asked to sit down and
5 prioritize these things. I don't know if we ever really
6 resolved that or came to closure on what the priorities are
7 for the DNR or giving advice on what we think the priorities
8 are.

9 MR. GRACIE: May I interject something? I think that
10 is true. We don't have a clear set of priorities. We didn't
11 have a way to measure effort, and we didn't have an
12 understanding of how the budget was related to that effort,
13 and that kind of led into a number of discussions which, quite
14 frankly, have taken time on the fisheries service part but
15 haven't been resolved yet.

16 I am certainly willing to entertain suggestions on
17 what role the commission might play in helping the department
18 get to that point because I don't think we have necessarily
19 done anything or made any constructive contribution to the
20 process. I think what we have said is we need you to do this,
21 this and this, and until you do that, we are having a lot of
22 trouble telling you what we think your priorities should be
23 because we don't know where your effort is.

24 So that is -- we are in that process now. And Tom
25 has agreed to work toward that for the next fiscal year

1 budget. So I don't know where we stand on that because I
2 don't have an update. But if there is a role that the
3 commission could play -- for example, some of you have told
4 me, when we had some discussions after the last meeting, that
5 the infrequency of meetings now is making it difficult for us
6 to keep up with issues and interact timely on that.

7 Maybe one of the things that we could do is have
8 commission meetings without with the fisheries staff here so
9 that we could discuss things on our own and see where we want
10 to go with that. We have four meetings a year scheduled now.
11 We did have 10 I think it was last year. Is that the right
12 number?

13 MR. GARY: 9.

14 MR. GRACIE: 9. Thank you, Mary. So if the
15 commission wants to spend some time to be helpful on this, I
16 am certainly willing to entertain that kind of an approach and
17 would like to participate. So I am not sure what else to do
18 other than -- and I have said it to you and I have said it to
19 others. I think we need to exercise some patience.

20 If we think there is something critical that is
21 being missed because it is not on top of the priority list,
22 then I think we have a right and an obligation to say that.
23 Now, as Tom said, and I think it was very well said in the
24 last paragraph on the first page of that letter, that we are
25 an advisory commission. So I will read between the lines the

1 words that aren't there. We don't dictate to fisheries, as
2 everybody here understands.

3 And they have to set their own priorities, and Tom
4 put it, for mission-critical activities that may or may not be
5 high on our list. So we are an advisory commission, not
6 necessarily running the department. And I feel strongly about
7 that, and some of you have had those conversations with me so
8 you know that. Ed?

9 MR. O'BRIEN: Dave, one thing that I think would
10 help you, because obviously you don't -- it is difficult to
11 stay abreast of everything that is going on. The big picture
12 that is going on right now is the restructuring of the striped
13 bass commercial fishery. There is -- the department has come
14 out with all kinds of options.

15 I know some of them. You would see things there
16 that certainly influence your thoughts about allocation as it
17 shifts from the commercial back into the recreational area.
18 You are going to have a lot of questions. It goes from
19 improving the status quo the way it is now to a situation that
20 kind of taints catch shares.

21 Now, your organization isn't represented in these
22 meetings at all. At least, if they have been, I have missed
23 it. Brandon, you haven't been to any of these meetings
24 either.

25 MR. WHITE: Are we on trial to say who -- I don't

1 understand your point here.

2 MR. O'BRIEN: I haven't finished making it.

3 MR. WHITE: I know, but every time you say things,
4 you tell us that we don't participate in the ASMFC. It has
5 already been addressed, and now you are addressing Dave but
6 pulling me into -- I wasn't a part of it. I haven't said a
7 word here since I walked in the door.

8 MR. O'BRIEN: You do say a lot of words, Brandon.
9 You are the media. And the media in this case -

10 MR. WHITE: Ed, I don't want to get in any argument,
11 but my point is, you already have addressed -- it is
12 disrespectful. Because I didn't participate in a meeting
13 doesn't mean that I am not up to date.

14 MR. GRACIE: I am not sure Ed was getting ready to
15 criticize you. I think he was getting ready to make a
16 suggestion to Dave --

17 MR. WHITE: To Dave?

18 MR. GRACIE: -- on how to keep up on things.

19 MR. WHITE: But he throws me into it.

20 MR. O'BRIEN: You mediate your way into it, and I
21 respect that, freedom of the press. You have been very
22 involved in what I call the weeds when it comes to some of
23 these issues with the major things going on.

24 This whole connotation of the commercial
25 reorientation of the striped bass fishery is going to flow

1 right back into recreational and charter boats, and then we
2 will give some advice.

3 But like on the pound nets, there is a lot of
4 information there that fits right into some of the issues that
5 you have brought up. But Dave I am just saying from your
6 standpoint, it would be good to assign somebody just to go and
7 tune in on these meetings.

8 MR. JETTON: I can kind of comment on that too. I
9 am actually on that striped bass workgroup that is part of
10 that reallocation if you want to call it that. Mike's our
11 facilitator, I guess, for lack of a better term. There is a
12 ton of work going on right now. You have no idea how many
13 meetings are happening, and it really is a lot of options here
14 in this paper that everybody needs to look at. There is a lot
15 going on about that right now.

16 And I feel like we are getting bogged down in small
17 details here and not getting anything done for the most part.

18 MR. GRACIE: If I understand you, Ed, you were
19 indicating that there was potential for some good changes, and
20 if we can participate more in that it might be helpful.

21 MR. O'BRIEN: Right, certainly. A lot of clues as
22 to allocation. The whole past history has come up going back
23 to the moratorium. The agreements were made by the state with
24 the users. And I just think that -- I know that I would
25 welcome Dave being there and consistently tuning into this or

1 somebody you all might designate.

2 MR. GRACIE: I am not aware -- I don't get any
3 notices on the schedule so I am not sure how we would know
4 about it.

5 MR. O'BRIEN: There are a lot of things that go on,
6 you know, that we don't get notices about but they do relate
7 to what we are doing.

8 MR. WHITE: We can't attend if we don't know.

9 MS. HUNT: It is publicized on the fisheries
10 calendar.

11 MR. O'BRIEN: Very well publicized.

12 MR. GRACIE: Okay, we are way behind schedule on
13 this issue so is there anything else? I don't want to squelch
14 the discussion if you have things to say.

15 MR. GOLDSBOROUGH: Hey, Jim.

16 MR. GRACIE: Yes.

17 MR. GOLDSBOROUGH: I am sorry to keep -- but I don't
18 know if there was any response from the commissioners or any
19 individuals to what you had said about, and I think there
20 should be, about how this commission could take on the issue a
21 little bit more directly, put in some extra time, maybe at
22 separate meetings, any of those kinds of options. I think
23 that is worthwhile.

24 I do think the issue of striped bass allocation is
25 entirely appropriate for this body to deliberate. And I do

1 recall back, Ed just reminded me, of the many years spend on
2 this same issue in the early '90s after the moratorium. It
3 was a big deal.

4 It was not easy, and I don't know how many years it
5 took before we got to the breakdown that we have now, but it
6 has been, I don't how long that has been. 15 years ago, 17
7 maybe since then, so maybe it does warrant looking at it
8 again. But I guess my point is, it is a highly controversial
9 issue, of course, that has got a lot of nuts and bolts to it
10 that won't be resolved overnight.

11 It took us maybe 5 years back then to work out what
12 we do have in place now in the form of an allocation scheme,
13 but I am fully supportive of going the extra mile as a group
14 to look into some of that and try to provide some quality
15 feedback on it.

16 MR. GRACIE: Can I have a show of hands to see if
17 anybody is interested in pursuing that?

18 (Show of hands)

19 MR. GRACIE: Well, it is certainly worth doing then.
20 I will try to sit down with Marty and work out some options
21 for a schedule. And we will give some alternatives on a first
22 meeting and decide where to go from there.

23 MR. SIKORSKI: We are talking about a meeting among
24 the commission, not among the department.

25 MR. GRACIE: We are not going to have all the staff

1 here. By the way, a number of you felt that we made a mistake
2 in not having as many meetings, and I talked to almost every
3 one of you individually two months ago or two and a half
4 months ago.

5 Just so you know, I have taken that to Tom. Tom is
6 reluctant to go back to that schedule because of the staff
7 time burden because if we are having people here nine evenings
8 a week from 6 to 9 plus, then essentially we are adding to
9 their workload, and there is no way for them to make it up.

10 I took the question to John Griffin also, and John
11 is considering it, he said. But he seemed kind of reluctant
12 to me to do that, and I think he is concerned for staff time
13 too. What we have run into is, in case not everybody is aware
14 of it, is that this fisheries service is facing some
15 significant budget cuts over the next two years. So they are
16 not going to have more resources. If anything, they are going
17 to have fewer.

18 And it is clear to the staff that they are in
19 overload, and some of their overload is based on the
20 priorities that we have asked them to pursue. I certainly
21 think that it is a good idea for us as a commission to try to
22 be thoughtful and helpful and, yes, courteous about that
23 because we are not always. We get kind of upset when we don't
24 get the things done that we think are important.

25 But I think we could play a more constructive role,

1 and I don't think we need to drag the staff in for that. In
2 fact, we might have more useful, open discussions without the
3 staff being here. Now we might also be misunderstanding some
4 facts. That is the downside of that, because we don't
5 necessarily have all the information that the staff does.

6 But I am willing to try that. It sounds like you
7 guys are interested too. Go ahead, Dave.

8 MR. SIKORSKI: You are basically talking about
9 having meetings, just the commissioners.

10 MR. GRACIE: Yes.

11 MR. SIKORSKI: And anybody else or --

12 MR. GRACIE: Well, they are public meetings, so we
13 have to put a notice out, and if noncommissioners want to
14 attend, they certainly can. Okay.

15 MS. HUNT: But DNR would not be in attendance.

16 MR. GRACIE: No.

17 MR. SIKORSKI: Then why the public meetings?

18 MR. GRACIE: Because we are a commission appointed
19 by the governor. And there is a public meetings law that says
20 we have to notify people, we have to notify the public.

21 MR. SMITH: And would they be recorded?

22 MS. HUNT: They are not legally required --

23 MR. SIKORSKI: I think we are making this more
24 complicated than it needs to be. I just think we as a
25 commission, we may benefit from meeting each other more than

1 four times a year.

2 MR. GRACIE: I agree with that.

3 MR. SIKORSKI: It doesn't need to be public or
4 private, it doesn't really matter. We could sit down and have
5 a beer. It doesn't matter.

6 MR. GRACIE: Well, let's get a ruling on that. I
7 don't want to do something that gets everybody in trouble. So
8 let's get a ruling on that. I would be happy to do it that
9 way. Dave?

10 MR. SMITH: Well, I guess my recommendation would be
11 that they should be official and they should be open to the
12 public. That is my recommendation.

13 MR. GRACIE: Well, let me do two things then. Let
14 me get a ruling on whether or not there is a requirement, and
15 secondly we will decide among -- if we have that flexibility
16 we will decide among ourselves what to do.

17 MR. SIKORSKI: Can we discuss after this meeting
18 kind of what our goals are in these added-on meetings?

19 MR. GRACIE: I can't. I have got another meeting
20 scheduled right after this.

21 MR. SIKORSKI: No, I am just saying through e-mail
22 as a commission.

23 MR. GRACIE: Oh, sure.

24 MR. SIKORSKI: because I am a little unclear as to
25 how these are going to benefit and exactly what they are

1 supposed to be doing. The meetings, without a goal in mind,
2 are going to be a waste of everybody's time. I don't have any
3 issue with how we structure these things but --

4 MR. WHITE: I think they are the same meeting
5 without DNR so we don't take their time away from the things
6 that we appoint but we can organize and conduct -- we used to
7 have nine. We now have four. Maybe we move to six and the
8 other two don't have DNR so we don't take their time.

9 MR. SIKORSKI: Well, what I propose is that we
10 discuss through e-mail, hold on, we discuss through e-mail
11 how we are going to structure these meetings to benefit the
12 process, period, from here on out.

13 MR. GRACIE: Can I respond now? What I tried to say
14 was that one of things we could be doing on our own is
15 discussing how we think things should be prioritized and what
16 information we need to make those decisions. And that was the
17 context in which I proposed it.

18 Now I certainly think that if there are other things
19 that the commission wants to discuss on its own, then we will
20 have the approach we have always had. People will submit
21 agenda items, and we decide how to do it. As chairman, and I
22 don't think -- other than Carol Stevenson, I don't think
23 anybody has ever been turned down for an agenda item by me.
24 And that was the Gunpowder issue, which I thought we had
25 finished with.

1 So I mean I am not going to be heavy handed about
2 refusing to discuss things. I hope you all realize that.

3 MR. O'BRIEN: Having a couple meetings just with our
4 group might be a good idea. I think Brandon was hitting on a
5 middle ground. I don't want to do that once a month. We are
6 up here all the time for meetings anyway on various issues,
7 subissues, and it is -- I am all meetinged out.

8 But a couple of those meetings might be a very good
9 thing, but I am not talking about once a month or I am not
10 talking about six a year.

11 MR. GRACIE: I agree. I got a lot of meetings too.
12 And unlike some people I am not retired so I still have to
13 earn a living. A lot of us here do. Okay? So I will get
14 something out through Marty with some options for when we can
15 meet. We will get a ruling on whether or not it has to be
16 public notice. And if it is then it will be. And if isn't
17 then we will decide how we want to do it. Okay.

18 MR. GARY: Jim, before we move on, I just want to
19 make sure -- it looks like you had two action items. I just
20 want to make sure we capture them accurately. The first one
21 pertained to a review of the striped bass allocation if I
22 heard it correctly. And I didn't quite understand --

23 MR. GRACIE: I don't understand that that was an
24 action item. That was feedback --

25 MR. GARY: That wasn't an action item?

1 MR. GRACIE: No, that was feedback on Tom's request
2 for input. There was nothing for us to do. An action item
3 says we are going to do something.

4 MR. GARY: But we do have one for -- you want a
5 ruling for the requirement, what would be required to have
6 additional meetings --

7 MR. GRACIE: Yes.

8 MR. GARY: -- essentially without DNR.

9 MR. GRACIE: Yes. The other action item is that you
10 and I are going to schedule a meeting for the commission that
11 is going to be meeting without the fisheries service.

12 MR. GARY: Okay, in addition to the ruling, an
13 additional meeting.

14 MR. GRACIE: Yes.

15 MR. GOLDSBOROUGH: I thought -- excuse me, Jim -- I
16 thought the other action item was you were going to initiate
17 e-mail dialogue amongst us --

18 MR. GRACIE: Yes.

19 MR. GOLDSBOROUGH: -- on how we might proceed.

20 MR. GRACIE: Yes, and that was embodied in that. I
21 didn't say it very clearly. Yes.

22 MR. GARY: Okay, but we have an action item that
23 calls for scheduling another meeting. Is that what you were
24 saying?

25 MR. GRACIE: Yes, but there were some steps that go

1 before that as Bill is pointing out. So I am going to
2 initiate a process for us to have some separate meetings.

3 MR. GARY: Okay.

4 MR. GRACIE: So that is a chairman's action. Okay,
5 is that satisfactory? Anybody have any problems with that?

6 (No response)

7 MR. GRACIE: Well, let's move on then. Are we ready
8 for a regulatory update? Is that where we are?

9 MS. HUNT: Yes. Sarah had to leave so Jacob is
10 going to take over.

11 ***Regulatory Update***

12 ***by Jacob Holtz, MD DNR Fisheries Service***

13 MR. HOLZ: My name is Jacob Holtz. I am a
14 regulatory administrator with the policy and planning
15 division. Just a couple of updates, a couple things to scope.

16 We are going to start working on a clam FMP for the
17 Chesapeake Bay. Right now we have a -- the clam FMP that we
18 have, it only covers the clams in the coastal bays.

19 So when we get that together, we are going to be
20 e-mailing that to the commission for your input. We are
21 trying to figure out how we are going to set the commercial
22 crab trotlines coming up. House Bill 1325 gives fisheries a
23 little bit of flexibility. As far as when we allow the
24 trotliners to start and when we allow them to harvest.

25 Right now they can set their gear whenever they want

1 but they are only allowed to harvest for 9 hours. The new
2 regulations would let them -- it would limit them to an
3 11-hour workday but it would be setting and harvesting.

4 So that would -- it might let them start earlier but
5 the concern from the commercial industry was that it just gets
6 too hot in the summertime, so really it would just be
7 targeting letting them start earlier in the summer so the
8 crabs don't get too hot.

9 We scoped the annual penalty changes in July but
10 there are a couple other things that we would like to add as
11 well. That includes recreational oystering out of season,
12 where a couple of changes such as changing individual to
13 person. Right now when we say individual, it is hard to apply
14 points to corporations. If you say person, legally it just
15 has that affect, to be able to apply points to corporations.

16 And also just to clarify a couple other things, like
17 the definition of suspension revocation. Also we want to make
18 it clear that we can freeze a commercial license immediately
19 after accumulating a certain number of points. That way a
20 commercial licensee wouldn't be able to sell or transfer their
21 license after they were caught doing certain things.

22 As for the billfish item, recent science shows that
23 there is round scale spearfish. We are going to list them as
24 needing conservation. We used to think they were all just
25 white marlin, but now it turns out there is both white marlin

1 and round scale spearfish so in order for our regulations to
2 apply to roundscale spearfish we have to list them as in need
3 of conservation.

4 And then the pound nets item: We are considering a
5 couple things for pound nets, but Mike is going to speak to
6 that. As far as the regulatory updates go, the regulations
7 that apply to the recreational sector, the Spanish mackerel
8 are now going to be required to be landed with their heads and
9 fins attached.

10 And then we have added a couple of free fishing
11 areas to the coastal region.

12 MR. GARY: This is tab 3, by the way.

13 MR. HOLTZ: And as far as regulations that have been
14 proposed, the nontidal, the yearly updates, it is going to
15 allow night fishing in impoundments that are 5 acres or more
16 that are stocked with trout. And do a couple of other things
17 that were already in effect after emergency.

18 Last, we are starting to work on the next round of
19 recreational suspensions, where 65 recreational fishermen that
20 are currently suspended, and we received 15 requests for
21 hearings in addition to those that we are going to be
22 scheduling soon.

23

24

25

Questions and Answers

MR. SIKORSKI: When you schedule those hearings, they are put on the calendar? Where are they published?

MR. HOLTZ: I don't think they are published. They are --

MS. HUNT: I am not sure they are always open to the public. It is up to the judge, and usually they are not.

MR. GRACIE: That probably means the law doesn't apply to them.

MS. HUNT: It is up to the judge. Sometimes you can show up. It depends on how contentious it is.

MR. GRACIE: NRP activities report is next.

NRP Report

by Corporal Beth Mauck, MD DNR NRP

CPL. MAUCK: If everyone has the handout, and you take a few minutes to look it over. I won't go over each item, but I would ask you to pay special attention to the italics. And I will talk about that after about 10 minutes and you have had a chance to look at it.

Questions and Answers

MR. GOLDSBOROUGH: First of all, I really think the italics are probably helpful, that little summary statement there in each category, so thank you for that. And this probably is an obvious question but noting that you are seeing fewer citations both for fishing violations and for crabs than

1 | you did a year ago, does NRP have any thoughts on the reason
2 | for that?

3 | I know one could conclude there are fewer
4 | violations, but one could also conclude that there are fewer
5 | resources on the water.

6 | LT. MAUCK: Let me go over that. What you will
7 | notice is that there is actually this year more than double
8 | the citations written for fishing violations compared to last
9 | year. So that is what you will notice about tidal fish.

10 | And I am not a biologist, so I will use
11 | that disclaimer first, but I would say, I did spend a great
12 | number of years on the bay, and I did spend a great number of
13 | years in the field this year, and Anne Arundel
14 | County -- Lt. Windemuth can help me if need be -- is probably
15 | one of the hubs of our tidal fish areas.

16 | I would say that I think the reason for this is that
17 | there were more species in the bay that have a legal size
18 | limit. So, for example, in my career I have probably only
19 | seen a dozen red fish. We saw red fish everywhere every day
20 | for three months. And they got to be 18, 27, and our anglers,
21 | I think, are not used to seeing that fish.

22 | So some didn't identify them properly and some, you
23 | know, didn't care. But we saw flounder where we don't
24 | normally see flounder. And in this area it would be unusual
25 | to find illegal flounder. So I just noted which counties we

1 saw the biggest increase in fishing violations, but with
2 regard to crabbing you will see our crabbing violations were
3 about cut in half.

4 And the reason for that -- again, I am not a
5 biologist -- in my opinion, is that the crabbing season was
6 not so good this year. It did not appear from an enforcement
7 standpoint, to be a particularly productive year. So although
8 we were out there checking them, we did not notice many
9 violations.

10 MR. GRACIE: Questions?

11 MR. WOMMACK: Yes, I wanted to ask, in my
12 experience, what I have seen this year, I was wondering if you
13 saw the same thing, I know you said you had a lot of
14 violations, but did you see an increase in juvenile fish this
15 year more than ever, and less adult fish that would cause this
16 particular -- to have so many violations of undersized fish?

17 CPL. MAUCK: I don't know that I could give a good
18 answer for that question because although I did spend a great
19 number of hours in the field, I am only one person, and a lot
20 of my information comes from the tickets and warnings that
21 come across my desk. I am not going to see a piece of paper
22 for an adult fish.

23 So were all the numbers increased? Perhaps. It is
24 really -- it is hard for me to tell being only one person even
25 though I do check all that paperwork. There is no place that

1 we indicate how many legal fish were caught.

2 MR. GRACIE: Ed?

3 MR. O'BRIEN: Yes. It is a tough subject but the
4 recreational fishing situation is getting out of control. And
5 I don't know how to get the word to the right people -- maybe
6 the recreational fishing organizations can help here. I have
7 personally witnessed it. I have called the marine police.
8 They have come by and have been a presence but down at
9 Chesapeake Beach we have got a boardwalk that overlooks about
10 a half mile of rocks and storm drains.

11 And this year really suddenly those storm drains
12 have just been occupied with a whole lot of people. And when
13 you walk down the boardwalk, you can see what is going on with
14 the fishing. One day I was down there, the residents down
15 there, who know me, said, hey, do you realize what is going on
16 now? It is a wholesale violation scene for red drum, little
17 red drum, and small striped bass.

18 It is out of control, and it also goes on at the
19 fishing ramps at Chesapeake Beach, which need some people to
20 stop over there and just make people open up their coolers.
21 Because if you did that with these 18-foot boats that just go
22 out and fish along the rocks, you would be amazed at the
23 fishery we have out there for these red fish and small striped
24 bass and small croakers.

25 Anyway, I witnessed them putting these fish into

1 | their coolers: striped bass about that long, and the red fish
2 | went anywhere from, oh, 8 inches on up to about 25 inches. I
3 | figured, my God, what am I missing? This is right off the
4 | rocks.

5 | It is the Hispanic community, and that makes it a
6 | very difficult public relations problem, but that is where it
7 | is at. That is what is going on. And these people, you know,
8 | they can't speak English, except when you leave, and then they
9 | can speak it.

10 | And it is a real difficult problem. It has taken
11 | off, and we really need to do something about it to get the
12 | word to that community about fishing violations and what the
13 | penalties are.

14 | CPL. MAUCK: I think we have set aside some time to
15 | speak about some of what you are talking about. And I think
16 | Lt. Windemuth and some other folks are here today to talk
17 | about that specific issue. And so I guess I will ask Chairman
18 | Gracie if you want to do that now, or if there are any other
19 | questions about --

20 | MR. GRACIE: We actually have an agenda item on this
21 | issue for later in the meeting, so maybe it would make sense
22 | to discuss it now.

23 | CPL. MAUCK: You want to bring another chair up?

24 | MR. SMITH: I have a question. Should I ask it now?

25 | MR. GRACIE: Yes.

1 MR. SMITH: The 341 citations, are warnings part of
2 that too?

3 CPL. MAUCK: No, I didn't list the warnings.

4 MR. SMITH: Just off the top of your head, were the
5 warnings down this year as well?

6 CPL. MAUCK: I didn't look at those. I asked a lot
7 of records to pull these numbers for me, and they are pretty
8 overworked. So I didn't do that.

9 MR. SMITH: It would be interesting to see if the
10 citations are up, if the warnings are down.

11 CPL. MAUCK: I doubt that. Based on what I see,
12 which is just Anne Arundel and Prince George's County, I have
13 not seen that trend, but I don't have the hard data.

14 LT. WINDEMUTH: What I can say is for the upper
15 Eastern regions, that would be from Kent County all the way to
16 Dorchester, we have noticed an increase in officer contacts
17 and an increase, about double, in citations and warnings for
18 finfish violations, roughly speaking.

19 MR. SMITH: Double in citations and double in
20 warnings even.

21 LT. WINDEMUTH: Well, we combine. You know,
22 we --- violations.

23 MR. SMITH: You combine them.

24 LT. WINDEMUTH: Yes, I combine them.

25 MR. SMITH: And then on the striped bass in Queen

1 Anne's, the commercial seafood vendor, the two citations were
2 issued, the 310 pounds of fish, do you know what kind of gear
3 type they used for that?

4 MR. : Hook and line.

5 MR. SMITH: Hook and line? I think that is it.

6 CPL. MAUCK: I am looking. I will give this piece
7 of data if it helps the discussion. I am looking at the
8 breakdown of the tidal fishing tickets from 2011 compared to
9 2012, and what I am noticing is possession of undersized fish,
10 general, which would typically exclude striped bass because
11 they have a separate category, is 127 this year compared to 9
12 last year.

13 So that is where the bulk of our increase came from.
14 And when I look at fishing without a Chesapeake Bay sport
15 fishing license, I am seeing 108 this year. There were 100
16 last year, so that is virtually unchanged. Mostly we saw a
17 lot more small fish because generally there were a lot more
18 small fish in the bay, I believe.

19 MR. LYNCH: Do you have any idea on the demographics
20 of the violations?

21 CPL. MAUCK: I do not.

22 LT. WINDEMUTH: We don't capture demographics
23 according to violations.

24 MR. LYNCH: Anecdotal perhaps?

25 LT. WINDEMUTH: You know I can't -- again, I can

1 speak to my area, and I do the same thing as Lt. Mauck: I
2 review the citations. You know, it is across the board.
3 Again, we really, we don't look at the demographics. We just
4 look at where the violations are occurring and how we employ
5 or deploy our manpower.

6 MR. GRACIE: Okay, Marty has pointed out to me that
7 there is a logical order to these next two agenda items so we
8 will keep them in order. Any more questions?

9 MS. HUNT: For the new folks at the table, if you
10 guys just identify yourselves before you speak.

11 LT. WINDEMUTH: Lt. Art Windemuth, Area 2 commander
12 for Kent, Queen Anne's, Talbot, Caroline and Dorchester
13 County. I also serve as the public information officer for
14 the Natural Resources Police.

15 MR. DEEMS: I am Gene Deems. I am with the
16 communications office. I am an e-Gov and online services
17 manager.

18 MR. DAVIDSBURG: Josh Davidsburg, senior
19 communications manager, Office of Communications.

20 MR. GRACIE: Okay, so tell us how violations are
21 integrated into DNR press releases.

22 ***DNR Press Release Policy***

23 ***by Lt. Art Windemuth, MD DNR NRP***

24 LT. WINDEMUTH: What we can say is when we -- our
25 operational procedures for press releases, we look at a couple

1 | things. We look to inform and to educate and also offer a
2 | deterrent.

3 | We do this by printing and publicizing the
4 | information that we believe will be then redisseminated
5 | through our media partners. That is, what is the media
6 | interested in? So we look at the egregious violations, and
7 | again, those are things -- multiple undersized fish, a
8 | criminal activity occurring within our public lands. We look
9 | at things that historically in nature have been of interest to
10 | our stakeholders -- nighttime poaching.

11 | You know, obviously, boating fatalities, boating
12 | safety, things of that nature. River advisories on the
13 | Potomac River to advise our recreational users, whether they
14 | be boaters or fishermen, when the river is going to be up or
15 | when they should be cautious.

16 | So that is generally how we, you know, what we view
17 | our role as, in providing these press releases. When we talk
18 | about press releases, we probably need to mention what we are
19 | required to disclose and what we aren't required to disclose.

20 | I don't know if you are aware of it, but all of our
21 | arrests, whether they be custody arrests or citations, they
22 | are all open for public record except in cases -- that goes
23 | for search warrants even -- unless they are sealed by the
24 | judge for whatever reason. The information contained within
25 | those documents is available -- as well as many of our reports

1 that we do, as long as the reports are closed.

2 And many of our media partners will go to local law
3 enforcement and go through their call histories, their
4 reports, to glean information for their respective
5 publications and news outlets. Certain things that we do not
6 disclose and are not required to disclose, such things as
7 techniques, investigative techniques. Information regarding
8 current, ongoing investigations.

9 And we make it a habit when we do a press release to
10 list name, age and just the city and state where the
11 individual is from and the charges that are placed against
12 them. We do that because it is factual. It is something that
13 we can get a hold of fairly easily by looking at charging
14 documents.

15 And we don't go too much in depth with our reporting
16 because we don't want to try the case before the media. We
17 don't want to jeopardize any ongoing prosecution. So that is
18 why in some respects our press releases might be short on
19 information. It is because we don't want to try it in the
20 venue of public opinion before it gets to the courts because
21 that does pose a problem in certain instances.

22 So that is basically it. Maybe I can answer some
23 questions if somebody has any specific questions.

24 MR. GRACIE: Any commissioners have any questions?
25

Questions and Answers

MR. SMITH: When you say -- in a press release, there is a press release sent out, so you said you are required to make that information public. How do you make it public?

LT. WINDEMUTH: No, we are not required. If inquired, we can release it. That information can become public.

MR. SMITH: So you are not required to even --

LT. WINDEMUTH: No, we are not required to release any information.

MR. SMITH: But it used as a deterrent.

LT. WINDEMUTH: Exactly.

MR. DAVIDSBURG: The same reason that, you know, when you look at your local police blotter, you will see DUIs listed and the people's names. A break-in --

LT. WINDEMUTH: And I can give you a perfect example of how the media, in my opinion, in conjunction with the department's response, play a role in changing behavior.

In 2010, the Natural Resources Police recovered just a little over 15,000 yards of illegal gill net in the bay. In 2011, if you recall, that was the year that we found about 13 tons or so, maybe more, of rockfish in illegal gill nets. That year we recovered about a tad under 10,000 yards.

The department came out strong. We did a lot of

1 media. The department came out strong with new regulations,
2 closed the fishery down. In my opinion, sent an appropriate
3 message out that we were going to do whatever we could do to
4 protect the resource.

5 And lo and behold, this year, we did not recover any
6 recent gill net. The one gill net that we did recover was
7 very old, at least a year old. And we could tell that because
8 within the net itself, there were aluminum cans that were
9 starting to disintegrate from the oxidation process in the
10 bay, along with the barnacles and everything else that over
11 time would form.

12 So in my opinion, if you take a look at the role of
13 media and press releases on influencing people's behavior,
14 that was a positive outcome in my view. Although that is an
15 ongoing investigation, we used the media to protect the
16 resource and to basically --

17 I would also like to say the volume of information
18 that we got from the public, and are still getting from the
19 public, be it legal gill nets or otherwise -- people are
20 seeing somebody out with a gill net and they are going, oh, I
21 don't think they should be there. They call us. In my
22 opinion, a very appropriate response.

23 I would rather have them do that, get involved in
24 protecting our resources, than not and look in the other
25 direction. So they would call us, we go out, fine, legal gill

1 nets. To me, our first hurdle has been accomplished. We got
2 the public involved in protecting our resource.

3 MR. DAVIDSBURG: Plus new press releases on
4 administrative penalties, you know, or we suspend the
5 licenses.

6 LT. WINDEMUTH: And again, they span the spectrum:
7 boating, search and rescue, things of that nature.

8 MR. SMITH: Does NRP and DNR have -- so that is your
9 policy? Does DNR have a separate --

10 LT. WINDEMUTH: We work together. Virtually every
11 press release has more than one eye, three or four eyes,
12 usually.

13 MR. GRACIE: At one point you said that people in
14 the media can go to the records and look up things.

15 LT. WINDEMUTH: Oh, yes.

16 MR. GRACIE: And then you responded to Dave Smith
17 saying that no, you didn't make everything public. I mean,
18 public information is public information. I think his
19 question was how do people find out.

20 LT. WINDEMUTH: Well, there are many different
21 Websites. One is K Search. Every time someone is issued a
22 traffic ticket or gets charged for a violation or gets served
23 a civil process, it goes on the court's -- again, these are
24 public information -- it goes on the court's Website, and many
25 of our media partners use that as a way of verifying the

1 accuracy of their --

2 MR. DAVIDSBURG: And then for the more egregious
3 violations, we put together a police blotter and/or press
4 release. The same thing, it is just the police blotter is
5 usually more than one offense put together.

6 MR. GRACIE: But the police blotter isn't done
7 routinely every month or anything. You make a decision on
8 that based on egregiousness, I think -

9 LT. WINDEMUTH: Yes, it is egregiousness, and we try
10 to do it as time permits. Many other activities are involved
11 in a day-to-day, so we try to get the most bang for our buck.

12 MR. GRACIE: Thank you.

13 MR. JETTON: Chairman Gracie, I have got two things.
14 What Eddie was talking about earlier about people fishing,
15 most of these people we are talking about are shore bound for
16 the most part. Coming from the Eastern Shore, I am from Rock
17 Hall, we have a lot of migrant workers there. It is just the
18 nature -- my wife teaches them. Their kids really don't speak
19 English, and the parents don't most of the time.

20 I pick up at different places, like Sandy Point
21 State Park or Kent Narrows, and everywhere you go there is a
22 sign in English and Spanish telling you how to dispose of old
23 fishing line.

24 Maybe we need to make some more outreach and some
25 Spanish signage or brochures or something about some sizing of

1 fish or something like that. Maybe they really don't know.
2 Let's give them the benefit of the doubt.

3 MR. GRACIE: Hold that for the next agenda item
4 because we are going to discuss that in some depth.

5 MR. JETTON: Okay, I will go on past that and I will
6 go back to the actions you guys are taking as far as
7 publicizing -- and the gill net was an excellent example.
8 Coming from Rock Hall, I can assure you it has made a huge
9 difference, you know.

10 People are aware that the criminal element is
11 definitely, you know, running scared, for lack of a better
12 term, because they know if they get caught they are going to
13 be put on a pedestal and they are going to be criminalized on
14 TV in front of everybody. So I can assure you that is
15 working.

16 LT. WINDEMUTH: Going back to your first question,
17 if I may kind of segue, if we can to that next --

18 MR. GRACIE: Well, I would like to finish the
19 questions on this subject first. Ed, did you have one?

20 MR. O'BRIEN: Yes. At ASMFC, two of the last four
21 meetings, we had people there from the Justice Department,
22 federal government, in which they have assigned some top
23 people to what is going in Maryland, and the poaching, you
24 know, is front and center.

25 And the federal guy gets up there and says, we have

1 got a bunch of cases that are pending. It takes us time for
2 us to close the loop on the violator, an Eastern Shore
3 connotation to it relative to the poaching. Some other things
4 that you have done over there.

5 Once you get some prosecutions on that, and it gets
6 into the media, that will be very positive because we are all,
7 who are so hateful of this poaching, we are just waiting for
8 this. We want to see it done.

9 LT. WINDEMUTH: Yes, I can tell you, you are not the
10 only one. When we deal with the federal government and the
11 judicial system, it is very, very close-knit, and the fact
12 that -- very aware of the effect of media on a pending court
13 case.

14 So we basically -- we can't talk about it. We have
15 talked about, when the time comes, and when that process is
16 finally reached, doing a press release, so we can, you know,
17 wrap up the entire case.

18 MR. O'BRIEN: Well, turn the page a little bit.
19 While we -- and we let everybody know, the watermen, you know,
20 and some of our best people are watermen, we hope that a
21 screeching halt has come to those kinds of violations, the
22 poaching.

23 But sitting in these meetings, the watermen bring up
24 that the recreational fishery really isn't policed, and that
25 there is more violation in that community than there is in the

1 commercial community. Now something has changed radically
2 within the last year or two, and that is this Hispanic
3 situation. And then the locals seeing it and wondering why
4 they can't do it too, and they are doing it too.

5 So somehow, and I know how understaffed you all are,
6 and I have talked to the captain at Waldorf, and I have talked
7 to the colonel, somehow you have got to make your mark when it
8 comes to prosecution of some of these recreational violations,
9 and do what you can do to communicate with communities that
10 are thriving on it, and this includes Susquehanna Flats in the
11 spring.

12 We are facing a crisis here, and something needs to
13 be done about it and demonstrated to the public.

14 LT. WINDEMUTH: Well, if you notice, most of the
15 time we do have a court date. When we do a press release, we
16 have the court date there. And I do that to encourage
17 attendance from people who want to come and listen. All of
18 our court systems, district courts -- I don't know if you are
19 aware of this or not -- are not bound by each other's
20 decisions.

21 So what happens in Somerset County has no bearing on
22 what happens in Allegany or Cecil counties. So the amount of
23 penalties that are issued can vary greatly. So again that is
24 why I make it a habit of putting the court dates down so
25 people can come and hear for themselves and make their opinion

1 | whether they think they are appropriate or not.

2 | MR. GRACIE: I will be back to you in a minute.

3 | Frank Dawson wanted to say something.

4 | MR. DAWSON (away from microphone): And I appreciate
5 | your comments. You know, one of the things is that
6 | historically we have not been in the business of suspending
7 | recreational licenses, and we are in that business now.

8 | I mean, I sat in a meeting before I came in here
9 | today where we talked about a laundry list of cases,
10 | suspensions, everything from 45 days to 180 days. And these
11 | are people who have one violation, multiple violations, and
12 | the penalties kind of vary accordingly.

13 | And I think we are hoping that those actions are
14 | going to have the same kind of effect that it had on the
15 | commercial side when we started to suspend and revoke licenses
16 | on the commercial side. The word gets around.

17 | I don't disagree that we might need to do a better
18 | job of outreaching to some of these communities, but we are
19 | taking these actions right now administratively, and I think
20 | you are going to see more and more of them coming out in the
21 | next couple of months.

22 | MR. DAVIDSBURG: The press will start picking that
23 | up as well.

24 | MR. GRACIE: Dave Smith, you had a question or
25 | comment?

1 MR. SMITH: Both. So back to the press release
2 issue, and I am not trying to be rude here. So essentially
3 there is no, there is no policy, there is no written policy
4 on -- this is what you do. There are no criteria. It is just
5 whatever you, the department, believes they want to put out
6 there they are going to put out there.

7 LT. WINDEMUTH: It is an operational policy, right.

8 MR. DEEMS: It also allows you to craft a message
9 from the department as opposed to having the press come in,
10 take a look at them and create their own version of what is
11 going on and their priorities for what they might think is
12 interesting.

13 MR. SMITH: So it is not just what the media wants
14 because I think -- maybe I don't know if you meant to say it
15 like you are putting out there what the media wants.

16 LT. WINDEMUTH: Yes. We put out our press releases
17 hoping that the media will pick them up because obviously we
18 have a certain finite group of people that come to our
19 Websites. If we can leverage the many hundreds or so
20 different media outlets throughout Maryland, and get them to
21 pick it up, then we reach more people and we have a greater
22 effect.

23 MR. DAVIDSBURG: It is the message that we want to
24 get out there, and then we are also trying to anticipate what
25 the media will ask for as well so that we get ahead of it.

1 LT. WINDEMUTH: Right.

2 MR. SMITH: Do you suppose that the DNR or the NRP
3 would be interested in setting certain criteria that has to be
4 met before a person's name is released to the public?

5 LT. WINDEMUTH: I don't think that would be
6 advisable because we live in such a fluid environment.
7 Certain -- and I don't know how you would craft something like
8 that, that would be applicable to all areas of the state at
9 any given time. You know the --

10 MR. DAVIDSBURG: If it is public record then it is
11 public record.

12 MR. DEEMS: Because you have hunting, you have drug
13 violations, you have drinking alcohol. You have got a wide
14 variety -- it goes through the entire department.

15 MR. SMITH: So you wouldn't be able to necessarily
16 define what criteria to use. What is egregious?

17 LT. WINDEMUTH: Egregious would be substantial,
18 something that might pose -- substantial in numbers or
19 something that poses a threat to safety, a threat to welfare.
20 Again, we also put out general safety releases on -- to
21 educate on things to do to prepare for boating season. What
22 to do if you are out hiking. You know, those types of
23 messages.

24 MR. DEEMS: Can you give an example of something
25 that you think might have been an issue or problem?

1 MR. SMITH: When it comes to when you list or you
2 put out a press release, not just necessarily writing a
3 citation that goes to K search, but when you make an effort to
4 put names together on a list and then put it out to the
5 public, and you have an egregious gill net situation going on,
6 and then below that you have John Smith, who has a first
7 violation for undersized fish, first one ever, he has been
8 fishing for a long time.

9 And then perhaps he goes to a job interview and that
10 is brought up because it was broadcast to the entire public.
11 He broke the law, I understand that. I get that. But I think
12 there is a difference between a commercial fisherman who has
13 had an egregious case who does it for a living and a person
14 who does it recreationally who happened to have an undersized
15 fish.

16 Again, he broke the law. I understand that but
17 broadcasting it to the entire state, I think there is just
18 some -- I don't want to, I don't know if the DNR should be in
19 the business of really going after and making an example out
20 of that guy. I know you said that is a deterrent but I don't
21 necessarily think that is a deterrent because that is starting
22 to affect other things.

23 MR. DAWSON: We have an emerging problem with
24 recreational fishermen catching undersized fish, and we
25 shouldn't go public about it? I listened to Ed describe this

1 whole circumstance, and now we are going to put it out there
2 in the public forum, and that isn't what we should do?

3 MR. SMITH: Well, first of all --

4 LT. WINDEMUTH: If I may, this might help. I am
5 going to have to segue to our next about this --

6 MR. GRACIE: I will keep my gavel under the table.

7 LT. WINDEMUTH: -- because we just had a typical
8 violation this past Friday, and this is typically what
9 happens. An officer gets a complaint, was on surveillance.
10 He watches two individuals catch multiple undersized fish,
11 take them back to their car, okay. Close it and hide them in
12 the trunk.

13 They go back, they do it a couple times. The
14 officer finally goes down. Hi, how are you doing? Do you have
15 a fishing license? Don't speak English. Do you have a
16 fishing license? Finally, no, no fishing license. Well, have
17 you caught any fish today? No, haven't caught any fish today.

18 Okay, you have not caught any fish, and you don't
19 speak English and you don't have a fishing license. No, no,
20 no, no, no. Let's go back to your car, because I just saw you
21 put some -- lo and behold, you go back to the car, open the
22 trunk, there is the fishing license next to a five-gallon
23 bucket with 150 some small rockfish in it.

24 Now I can -- the direction we give our officers is
25 if somebody is unknowing, if they commit a violation that they

1 are not aware of, they have the latitude not to issue
2 citations. Officers are pretty good at that. Not saying it
3 is going to happen in every case.

4 But when we go to put out a press release, you are
5 not going to see what I just described in that press release.
6 You are going to see an individual's name, age, city and
7 state, and what they were charged with, and maybe how many
8 fish they had, all right?

9 So you may or may not think that is the first
10 violation, but it may very well be the first time they were
11 caught. My question to you, is that an egregious violation?
12 And two, did that person commit it knowingly? I think the
13 answer to that would be yes in both cases.

14 More often than not -- again, this is, more often
15 than not, our press releases involve those types of
16 individuals. I personally would say that we scrutinize those
17 cases, and we try not to, we try not to put out those minor
18 offenses of those people who commit unknowing violations.

19 Now I am not going to say it happens all the time,
20 no. And I don't know if you could even do it in a way that
21 you could say 100 percent of the time. The fact is they did
22 commit a violation. All right. We try, again, to get those
23 knowing violators.

24 MR. SMITH: I think you made a good point there.
25 You don't necessarily put the ones out there that have the

1 first or the unknowing violations. So you can determine that
2 before you put the press release out.

3 LT. WINDEMUTH: I usually make a call to the officer
4 involved, and they run through the scenario.

5 MR. DAVIDSBURG: I was just going to say, just like
6 every other police agency, you know, we are doing it across
7 the board. It is not just fishing. You know, jacklighting is
8 a huge issue, and it is something that -- before I started
9 working here, I didn't know what it was. But I have heard it
10 enough times now to know what it is.

11 Issues in the parks with drugs, you know, we put out
12 press releases when people commit egregious violations across
13 the board.

14 MR. DAWSON: Just for a point of clarification there
15 are going to be recreational fishermen that it is their first
16 offense but who were found guilty will pay their ticket,
17 administratively, they are going to be suspended for some
18 period of time.

19 MR. GRACIE: I am curious as to how you react to
20 that. The question Frank asked you is, do you think they
21 shouldn't be doing that.

22 MR. DAWSON: So if we have somebody who is suspended
23 for like 180 days --

24 MR. SMITH: He is suspended for 180, first
25 violation, one undersized fish.

1 MR. DAWSON: I would say no. That is not --

2 MS. HUNT: Not one undersized fish. No, no, no.
3 Everything that was in the press release was suspendable. So
4 nobody is going to go in a press release that does not have,
5 doesn't meet those tier violations for which you could be
6 suspended. So I think, part of the discussion, what is
7 egregious, is it egregious because you were revoked? Is it
8 egregious because you had 180 days, 365 -- but all of these
9 folks are suspendable.

10 It could have been you accumulated enough points to
11 get to that point, or it could have been that it happened one
12 day and it was just that knowingly and egregious in that one
13 day that it got you to that tier. So sometimes it is a
14 one-time offender. Sometimes it is multiple offenses that got
15 you there.

16 LT. WINDEMUTH: And I will tell you, you know, I see
17 that too with hunting violators that have spent all day out
18 every day of the season getting one duck, one duck, one duck.
19 And for some reason -- we know the reason. The weather is
20 right, the birds are there, and they end up with 15 ducks,
21 well over their bag limit. Well, that is pretty egregious.

22 MR. SMITH: The point of the discussion was do you
23 have a policy? No. Are you interested in one? Apparently
24 not. But I guess my advice would be just, you know, you
25 obviously don't have to listen, but for a person, recreational

1 angler, I know he broke the law. But when you put that out
2 there, it starts to affect more than just him fishing, and I
3 just think that is something to think about.

4 MR. DAWSON: At the same time we went through all
5 this -- Gina, correct me -- with the penalty workgroup, we
6 laid out all these penalties. And that is how we got to this
7 point in regulation.

8 So, I mean, if that is an issue you want to revisit
9 in that forum, then that is what you are talking about because
10 under the current guidelines, I think if somebody loses their
11 license for a period of time, you know, just based on what
12 we've agreed to through the penalty workgroup and we
13 promulgated in regulation --

14 In fact, we had a discussion today about the number
15 of undersized striped bass you needed to have, and so those
16 are fair things to raise in that format. But for now, that is
17 where we are. We have had a lot of public discourse, you
18 know, to get to this point.

19 It is not like we are sitting around -- we are not
20 making things up. Are we being hard asses? I think we
21 probably are, but we are very worried about the state of a lot
22 of these fisheries, as I know you are.

23 MR. SMITH: Yes, I am, absolutely. I guess that was
24 just the perception, that you are sitting around making them
25 up.

1 MR. DAWSON: We have a whole set of penalties. The
2 only thing we have done is in some circumstances, like a first
3 offense, we will settle for less than the full penalty, based
4 on that criteria.

5 MR. GRACIE: Mr. Sikorski, you had a question or
6 comment?

7 MR. SIKORSKI: I am going to segue into the next
8 conversation because they did brought it up and it is a good
9 time to do so.

10 ***Discussion of Language Barriers to Enforcement***
11 ***Of Maryland's Fishing Laws and Regulations***

12 MR. SIKORSKI: We have a situation where the NRP
13 does their job, cites these people, whoever they may be, and
14 makes the decision as to whether or not you put it in the
15 press release. And I don't think it matters for me personally
16 which order they come in or anything like that. If you break
17 the law, you break the law. You should be willing to stand up
18 to your peers and have your name be seen.

19 So to kind of segue, we have a situation with let's
20 say a language barrier between citizens of the state or not
21 citizens, whoever they may be, that are fishing and possibly
22 breaking the law. And we have a major enforcement issue on
23 how to move forward to try and take care of these issues.

24 So I would like to hear from the department what
25 some of your thoughts are on how to move forward? Would it be

1 signage, multi-lingual outreach? What is being done, what can
2 be done, and start with that.

3 And a lot of these conversations we have, when it
4 comes to violations, we kind of reiterate, oh, it's
5 commercial. Oh, it's recreational. For me, and I think for
6 all of us for this discussion, it shouldn't matter. A fish is
7 being illegally taken no matter how it is done. It is not
8 this back and forth commercial/recreational. It is a poacher,
9 who cares?

10 If they are breaking the law, they are breaking the
11 law. That is all that matters for me for this conversation,
12 so I would appreciate it if we kept it at that level. Not
13 recreational, not commercial. People breaking the law.

14 MR. JETTON: I am with Dave 100 percent on that.
15 That whole last conversation kind of baffled me. Once you
16 break the law, you break the law. And you are going to find
17 guys that are commercial fishing who don't have a commercial
18 license. So I think they are just flat breaking the law.

19 And the truth is once you are convicted or even on
20 the case docket, it is on Maryland or judiciary.com. Anybody
21 can find it. Whether you guys put it out or not, you punch a
22 name in, it pops right up. So I am with Dave on this.
23 Breaking the law is breaking the law.

24 MR. DEEMS: I guess I would like to start with an
25 overview with reference to limited English proficiency. The

1 department last year, the Secretary implemented a policy here
2 at the department to address that because it is a big
3 challenge throughout the state. All the agencies are having
4 that.

5 And this policy basically addresses the 20 arms of
6 the department, of which fisheries is one of them. But it
7 involves everybody from the attorney general's office to
8 licensing to wildlife to powerplant siting, all of these
9 people.

10 So we do have a policy in place that went into
11 effect in June, and what we are doing now at the department
12 level, the unit level, is trying to assess and identify those
13 groups. If you go strictly by the policy, it is any customer
14 base that uses a non-English -- a non-English speaking
15 customer base that constitutes 3 percent or more of the
16 population of the group.

17 Which then could be -- like if you go to P.G.
18 County, you could be talking 20 different languages: Urdu,
19 Amharic, German, Italian -- you just can keep going. So it is
20 a complex issue that the department is trying to deal with,
21 and I know the fisheries service has been working very hard
22 over the past few years with Asian languages and some Hispanic
23 languages. And I will just back off now.

24 LT. WINDEMUTH: I think we have anecdotal
25 evidence -- and Beth, you want to tell them what you did down

1 in Sandy Point?

2 CPL. MAUCK: Sure. I will talk about two things
3 really. The first thing is I think we want to be very careful
4 if anyone here is suggesting that one group is violating more
5 than another group because I don't think we have data to prove
6 that, and I am not sure that would be a productive discussion
7 anyway.

8 We need to realize who is using our public lands if
9 we are talking about fishing violations in public lands. And
10 if you have not been through our state parks on a beautiful
11 Saturday or a Sunday, you will know that we do have a largely
12 Latino group that fishes there and enjoys it.

13 Of course we are open to all groups. We have all
14 groups, but I think some of the perceptions, based on the
15 press release, would be quite different if you took a ride
16 through Sandy Point or Point Lookout on a sunny weekend. We
17 are very sensitive. As a commander, I am very sensitive, and
18 our officers are sensitive to wanting to know whether or not
19 their violators knew or should have known before they broke
20 the law.

21 Nobody wants to write tickets if someone unknowingly
22 did something. At Sandy Point last year, which is our
23 crabbing pier -- it is probably one of the biggest areas for
24 crabbing violations that I have ever seen, and I have worked
25 at least six counties for 14 years.

1 So what we did is we put up a billboard as large as
2 that smartboard almost. An entire side of it is in Spanish.
3 All of it is pictorial, so you don't have to speak any
4 particular language to understand most of it. It shows how a
5 female is different than a male crab, because with that change
6 we had some educating to do.

7 It shows the legal size limit and the baits, and you
8 can't just walk by it to get onto the pier without knowing, or
9 you should have known, what the rules are. And after an
10 entire year of going through those tickets and warnings and
11 personally visiting that pier, I did not see a decrease or a
12 change in the number of violations.

13 And that is not to say that any one group was more
14 guilty than another group. It is just to say that if people
15 want to follow the law in general, from my experience they
16 will. Our fishing brochures have color pictures, do they not?
17 With a number underneath? And most of our folks should know
18 that they need a fishing license. The signs as you enter
19 Sandy Point -- I use that as an example because it is the one
20 I am most familiar with -- are in Spanish and they are in
21 English.

22 MR. DAVIDSBURG: I know a lot of the other parks
23 have followed suit as well.

24 CPL. MAUCK: Okay, good. That is good information.
25 So just from my perspective I want you to know that our

1 perception is not necessarily what a reader of that press
2 release -- it is quite different.

3 *Questions and Answers*

4 MR. SMITH: From your perspective, is there anything
5 else the department can do?

6 CPL. MAUCK: Sure. I think we can do better. I
7 think we can do better. Reaching people -- but in terms of, I
8 don't know exactly how, but I think it is a discussion we need
9 to keep on having because our population has changed. The
10 makeup of our population has changed and it will continue to
11 change, so I think we need to stay on top of that and keep
12 having these conversations.

13 It is not always though did they have the
14 opportunity to know. It is what is the deterrent when they
15 knew and just didn't follow it? Sometimes that is the more
16 appropriate conversation.

17 MR. DAVIDSBURG: You can always do more but we are
18 working across the board to implement these policies, as Gene
19 said.

20 MS. KNOTTS: I am Karen Knotts with the
21 communications within fisheries, and I just wanted to let you
22 know that we have started the ball rolling in a couple of
23 different ways. One thing is we have talked with Jorge
24 Holzer, whom some of you may be familiar with, with cost
25 recovery.

1 We have already talked to him about translating the
2 fishing application, license application into Spanish, so that
3 is a quick thing we can do. So as soon as he is done with
4 cost recovery he is going to do that.

5 But just last week we had a member of the Maryland
6 Commission on Hispanic Affairs, Governor's Commission. One of
7 the commissioners came to DNR and spoke with us on how to work
8 more directly with these folks to figure out how we can get to
9 these communities.

10 Their job is to liaison directly with them. We are
11 aware of what you folks you are talking about. It was news to
12 me when I talked to Art that it is not just about do I need a
13 license.

14 So we are going to be reaching out to them to figure
15 out how do we reach out to these people and get help with
16 translating things so we will be able to work with them. And
17 I am hoping that at no cost to fisheries, we will be able to
18 take advantage of that. They know how to reach out to these
19 folks, so we are going to be doing that.

20 MR. TRAGESER: While we have NRP here, I just want
21 to bring an area again that is having problems to their
22 attention, Joppatowne Quarry in Harford County. It is not a
23 state park. You can walk to it. Most of the guys that I know
24 that fish it do bass fishing in there, come into it off of the
25 Gunpowder, back into it. But you can access it walk-wise.

1 And I got a report just the other day from a fellow
2 club member that there are people who go back in there and
3 they just catch anything and everything and they don't care
4 what size it is. They throw it in trash bags, walk it out to
5 the car, put it in coolers. Come back and do it over and over
6 and over again.

7 And there must be a large enough group of people
8 that are doing it because this guy lives near there -- two of
9 them -- live near there and they fish it frequently and he was
10 just fuming over what he sees going on back in there.

11 It is not easily accessed, so I don't know that NRP
12 necessarily goes back in there and does any kind of patrols on
13 it but if it is something that you could put on your radar
14 screen.

15 MR. SIKORSKI: That goes to show -- I mean I speak
16 to a couple different officers throughout the state quite
17 often, and maybe I am quite a bother to them, but hey, I am
18 willing to bother them.

19 I think in a lot of cases I get feedback that they
20 say, well, you know, thank you. Maybe the case didn't work
21 out quite right but at least it is a step in the right
22 direction. And if we can all do that and reach out to our
23 friends and family, constituents, anybody we represent, call
24 the poacher line. The resource is there for us as
25 recreational anglers to say, hey, we are not going to accept

1 this.

2 As you are driving home tonight, swing by a pier.
3 Just look. Anybody could be out there breaking the law, and
4 if there is not an officer there, hey, help them out. They
5 are only one person in a vehicle. Help them out. We can be
6 citizens on patrol essentially.

7 CPL. MAUCK: Even if your violators are packing up
8 and you know that there is no chance our officers will make it
9 to that violation, it is still valuable for you to call. As
10 commander, every morning I review our tag report, and that is
11 how I decide where our manpower goes. So everyone needs to
12 call in violations. 24 hours a day we are open. Give us a
13 call. We will turn our attention to where these violations
14 are occurring.

15 MR. GRACIE: Any other comments or questions? Can
16 we move on then? Don, you are up.

17 ***Inland Fisheries Update***

18 ***by Don Cosden, MD DNR Fisheries Service***

19 MR. COSDEN: I would like to make actually a couple
20 comments about this last topic. There is some good news here,
21 and that is a significant demographic of the population really
22 likes fishing.

23 (Laughter)

24 MR. GRACIE: That is a good point we all overlooked.

25 MR. COSDEN: So we really do need to know how to

1 | communicate with this community and find those people who are
2 | responsible. Every group has their responsible individuals
3 | and irresponsible ones, but -- and also we have seen some
4 | hotspots in inland fisheries with some ethnic groups, the
5 | reports that we were getting.

6 | And NRP has done a great job in the couple of spots.
7 | They went through, they did saturation patrols in these spots
8 | and places that for several years have been a problem and it
9 | seems that they are clearing up. A lot of those folks weren't
10 | really there to fish. They were just there to break every law
11 | they could think of. And they moved. They realized, well, we
12 | got to find some other place to carry on our nefarious
13 | activities.

14 | Anyhow, to get through the inland report, I don't
15 | have a lot of new stuff for you. I think you all got the
16 | September monthly report probably a couple weeks ago. I want
17 | to quickly point out a couple things and you can go back and
18 | read about them.

19 | A couple of them are recent reintroductions of brook
20 | trout into streams in western Maryland. Winebrenner Run,
21 | which is a tributary of Georges Creek, which is an unfortunate
22 | little stream, but there are still brook trout in the head
23 | waters of some of these tribs, more than I ever realized in
24 | the last couple years, I am finding this out.

25 | The Winebrenner was a dead creek. An acid mine

1 mitigation project was done there with the Maryland Department
2 of the Environment, Bureau of Mines folks and mining trust
3 fund money that goes into these mitigation projects, and water
4 quality has come back to the point where we felt we could
5 reintroduce brook trout there.

6 So that is good news. And right across the hill
7 then, there is another stream, a tributary to the Savage
8 River, Aaron's Run, which has had a significant project on it,
9 and we saw some recolonization of fish from the main stem
10 Savage, but there is significant -- possibly barriers there
11 just in the natural lay of the land, and we have reintroduced
12 some brook trout upstream of that area too. So we have got
13 our fingers crossed. They just went in a month ago, six weeks
14 ago.

15 MR. GRACIE: There is a serious lack of shade in
16 large reaches of Aarons Run that might create a problem for
17 brook trout.

18 MR. COSDEN: I think our monitoring is showing that
19 the temperatures are okay. There is a good bit of mine
20 discharge but it is treated and it is within the tolerance
21 range, and that actually helps to mitigate the temperature
22 problems. Ironically sometimes pumping water out of an old
23 mine shaft can be helpful.

24 I will mention the Youghiogheny River Survey and the
25 special trout management area there. The numbers were well

1 below our management objective this year again, and we think
2 it is due specifically to the hot, dry summer two years in a
3 row now.

4 The power company did a good job of releasing water
5 into the river during the hot part of the year according to
6 the permit they have from MDE, which is designed to maintain
7 trout habitat but we are just barely maintaining it in a year
8 like this. We still have good fish there. We have
9 quality-size fish.

10 What we see is a gradient. At the discharge from
11 Deep Creek Lake is the highest density. As you go downstream,
12 you get fewer fish, which is to be expected as temperature
13 comes up.

14 What is interesting is you go below our furthest
15 station, you get into a gorge area that has some other
16 tributaries and is well-oxygenated, and I have fished down
17 there in the middle of the summer when it was -- when the heat
18 was oppressive, and there are some beautiful fish down through
19 that section.

20 MR. GRACIE: Below --- ?

21 MR. COSDEN: Yes, below --- Run. It is a tough
22 place to get into. That is the only problem. Tough place to
23 fish. The boulders are the size of Volkswagen beetles, and
24 they are slippery. But it is a great place to visit if you
25 have never been in there.

1 Several places closer to home that we are working on
2 really with the help of TU -- Trout Unlimited is actually
3 spearheading these efforts -- our Piney Run Reservoir and
4 Triadelphia Reservoir, we are tapping to get cold water
5 releases out of these reservoirs. In the case of Piney Run,
6 it is actually in their permit specifying that they are
7 supposed to give us bottom releases from the reservoir.

8 Potentially we can increase habitat quality enough
9 to perhaps have year-round trout. Neither one of these would
10 be great fisheries, large fisheries, but Piney Run being up in
11 Baltimore County I guess -- Carroll County -- and Triadelphia
12 is over in Montgomery County, Montgomery County border.

13 Next I will mention that we did our Gunpowder Falls
14 survey again this year. Numbers in adult trout are down. It
15 is not unexpected considering that I have mentioned in the
16 past that we have had really bad reproduction on wild trout
17 for a number of years, and we have expected to see these
18 populations, adult populations, drop.

19 The good news is that as in other places, we have
20 had some outstanding reproduction this year, so we have got a
21 bunch of young of the year in the river, and I expect to see
22 things improve over the next couple of years.

23 On to tidal bass work, guys are out doing some tidal
24 largemouth bass assessments right now. They have completed
25 several places: Marshyhope Creek, which looked like it had

1 really good reproduction.

2 We are also seeing a lot of blue catfish in
3 Marshyhope and we are seeing blue cats -- we knew they were in
4 the system for a number of years now but I think they were
5 surprised at the frequency with which they were popping up in
6 the survey. So the blue cats are apparently on the increase
7 in that area.

8 They didn't see any northern snakeheads but we know
9 the snakeheads are present there too. And while I am on the
10 subject of snakeheads, they are becoming actually, what I
11 guess you would have to describe as abundant in the Patuxent
12 River now, very quickly in Jug Bay area.

13 Two years ago we saw the first ones at the mouth of
14 the river. Last year they caught a couple a little further
15 upstream, and this year, they are showing up with pretty good
16 frequency in that Jug Bay area. When we did our survey, the
17 tidal bass survey, we picked up a number of them. And that is
18 perfect habitat there, so I expect to see a pretty strong
19 population, at least as strong as what we see on the Potomac
20 River I guess.

21 *Questions and Answers*

22 MR. GOLDSBOROUGH: Are you saying that your theory
23 is they got there by coming down around Point Lookout from the
24 Potomac?

25 MR. COSDEN: Yes, we followed them for a couple of

1 years. We had big spring storms, a lot of freshwater going
2 down the Potomac River, and you can watch them, so reports
3 have had -- every tributary all the way to the mouth of the
4 river, and mostly they get down in the salty areas and they
5 start looking for fresh water.

6 So they get up as far as they could into these
7 tribs, a lot of which don't have much fresh water inflow, and
8 they are not likely to colonize those areas, but they are
9 apparently able to withstand higher salinities than we ever
10 thought for periods of time, and they are finding any little
11 stream that can support them.

12 And we don't know how much fresh water -- how big an
13 area, how much fresh water. What does the salinity range have
14 to be over the entire season in order for them to actually
15 reproduce and colonize and create their own population in any
16 particular watershed right now? We believe -- we are just
17 seeing them in a lot of places, and certainly the upper
18 Patuxent is a beautiful habitat for them.

19 MR. GRACIE: How can you rule out that these
20 occurred by introductions?

21 MR. COSDEN: Well, I can't rule it out. I can't say
22 absolutely except they are in places I don't think anyone
23 would ever think this is a good place to throw a couple of
24 snakeheads. They are showing up in St. Jerome's Creek. I
25 don't think anyone would assume this is a great place to stock

1 snakeheads.

2 And just watching the patterns of having a big
3 storm, and a month later you get some new reports that they
4 have moved a little further, and it has happened over the
5 course of years. I wish that I had actually been able to
6 document better because I think that is probably -- could be
7 very useful information.

8 MR. TRAGESER: As far as -- because we haven't seen
9 or heard anything about snakeheads as far as in the upper,
10 upper section of the bay, the flats and all. Is there a range
11 that you think that those populations would then not be able
12 to be as strong if they were to get introduced or somehow find
13 their way in the upper stretches, be it Gunpowder Middle River
14 or even further up off the flats?

15 MR. COSDEN: In terms of the kind of habitat where
16 they are likely to be abundant in the upper bay, No. 1, I
17 think they are going to get there. If they can get out of the
18 mouth of the Potomac and find a way into the Patuxent -- yeah.

19 And they got one in the Rhode River last year, just
20 a single specimen, a fishing creek right down in Chesapeake
21 Beach. It is a tiny little stream but multiple fish have been
22 caught up in fishing creek. Every little tributary along the
23 western shore they are working their way right up.

24 Salinity-wise, I am guessing they can tolerate at
25 least what bass are tolerating. So anywhere you can see

1 largemouth bass abundant, I expect that snakeheads may be
2 eventually abundant too.

3 I am passing out here something on the subject. Our
4 tidal bass specialist, Joe Love, actually had this study
5 published in the North American Journal of Fisheries
6 Management recently. It is a pretty prestigious publication.
7 And his work they did with a biologist from the U.S. Fish and
8 Wildlife Service. And it is taking a look at modeling and
9 predicting the possible effects of snakeheads on largemouth
10 bass.

11 This work was done based on our actual sampling in
12 the field, the distributions and the overlap --- of largemouth
13 and snakeheads based partly on some lab experiments they did
14 looking at predation rates and size preference of snakeheads
15 on different size classes of bass and then overlaying that on
16 our population estimates in the habitat.

17 The bottom line is the model predicts that the
18 abundances we are seeing, say, in the last year, perhaps
19 snakeheads are having about a 3.8 percent impact on bass
20 abundance. It does -- if you follow and project out what
21 snakeheads may do in the future, it predicts that impact could
22 be as much as 35 percent.

23 So that is the impact -- that is reduction, that is
24 abundance. I think it is pretty much across the board, young
25 fish, adult fish -- it wasn't any particular size group

1 because the impact would eventually translate to adult
2 abundance, according to the models.

3 This is just the model. There are a lot of
4 assumptions made. The work that they did in the lab was a
5 pretty sterile environment and may not really reflect what
6 happens as far as predation in the wild but eventually we have
7 to be able to replace that information with real information
8 that we measure in the field and perhaps have a better idea.
9 But that is just a little idea of the -- what the possible
10 impacts could be for largemouth.

11 Now this is just the abstract that I have handed
12 out. If you folks want the actual paper, I can e-mail it to
13 you. It is a little bit of a difficult read. It is a little
14 technical, but I would be happy to e-mail it to everybody.

15 Beyond that, I would just ask you all -- this just
16 kind of goes along with the first discussion of the day. If
17 you take a look at our monthly report, you will see a lot of
18 work that our guys are doing in terms of environmental review
19 and monitoring that has to do with habitat and water quality.

20 Just that there is no end to the kind of things that
21 we are asked to look at that we would like to be able to give
22 attention to. We often don't have enough time to give
23 attention to all the things that come across our desk, but our
24 guys are -- our guys are busy with internal timber reviews,
25 strip mining, permit reviews. You name it, it is all listed

1 up there. You can see it for yourself.

2 I won't go into any more than that. I do want to
3 let everybody know the bass tournament registration regulation
4 has been posted, and as far as I know I don't think we had any
5 comments on that, have we, Gina?

6 MS. HUNT: No.

7 MR. COSDEN: So that is online to come into effect
8 next year. That is it. Any more questions or comments?

9 MS. STEVENSON: Don, I wanted to know if inland
10 fisheries will be presenting at the Marcellus Shale conference
11 in western Maryland. The Maryland Water Monitoring Council is
12 sponsoring that in October, and I know you have a highly
13 vested interest in that, and I didn't know if you might give
14 us some indication of what the fisheries service is doing.

15 MR. COSDEN: I don't think we have a specific
16 presentation but I think you will see, if you are there, that
17 we are involved on the ground with the monitoring that is
18 going on now, and we are doing that in conjunction with the
19 resource assessment service in DNR, the Maryland biological
20 survey folks.

21 We have set up stations across many of these streams
22 to monitor salinity, connectivity, the sort of things we would
23 expect to see impacts in, and this is to get baseline
24 information. Right now water in these streams, what does the
25 water look like in these streams, and the locations were set

1 up based on where we know the likely sites are to be if we
2 ever do get into the permitting process and these wells are
3 permitted and operational.

4 So, yes, we are involved in that way. And along
5 with working with our environmental review group, who is
6 working closely with Maryland Department of Environment to try
7 and determine what kind of specifications need to be in the
8 permitting process, which is probably the most important thing
9 we can do right now, make sure we do it right before we get
10 people drilling.

11 MS. STEVENSON: Do you feel that there are adequate
12 resources, and because you are operating under a very fiscally
13 constrained environment, do you feel you have adequate
14 resources set aside to establish all of the survey points and
15 the sampling areas that you feel you need?

16 MR. COSDEN: There are never adequate resources
17 typically. We can go back to any one of these projects I
18 mentioned where we are getting comments, we are asking for
19 requirements under environmental review, and seldom do we have
20 the time to really delve into it, to do perhaps the follow up
21 later to make sure it is actually ---.

22 And a lot of that is -- our sister agency, MDE, a
23 lot of that is their responsibility, but they are understaffed
24 too.

25 DR. MORGAN: Just a quick comment. Fortunately we

1 have the MBSS program where we can draw a lot of data from
2 that in Garrett and Allegany counties where the drilling is
3 going to take place and other activities.

4 MS. STEVENSON: But that would be after the fact.

5 DR. MORGAN: No, we already have that.

6 MR. COSDEN: Yes, a huge database. It is going to
7 be really helpful, and we have already used it in identifying
8 the high-quality streams ahead of time so we have those data
9 layers in hand, in house. MDE has those. When this all comes
10 to pass, there will be many battles over these high-quality
11 streams, I can assure you.

12 MR. GRACIE: You had a question, Ray?

13 DR. MORGAN: That kind of leads me into my question.
14 I was looking through this handout. On page 6 it says siting
15 of new ATV trails. Now to me, that is -- my reaction to that
16 would be let's get rid of the ones that we have now in state
17 forests because they create tremendous amounts of damage in
18 both the Savage and the Potomac state parks and have been
19 affecting all the trout populations: brook, brown, rainbow.

20 It has been affecting all those, and you know, why
21 are you even looking at siting new ATV trails? I mean, to me,
22 that is not a wise use of, that is not a wise use our natural
23 resources, and this is the Department of Natural Resources,
24 right?

25 That is part of the annotated code. That is

1 human -- you know, if you want to run an ATV on your farm,
2 that is one thing. When you are starting to run it in state
3 lands that belong to the citizens of the state of Maryland, I
4 get a little nervous on that.

5 MS. HUNT: That is fisheries service's role in this,
6 our concern over the trout population, so that is why it is
7 basically a team looking at ORV trails, and fisheries
8 service's role in our meetings on this has basically been to
9 reduce or eliminate those impacts on trout.

10 DR. MORGAN: Then why can't we reduce ATV trails
11 altogether?

12 MS. HUNT: We have.

13 MR. COSDEN: This is in response -- we did close
14 down every ATV trail on state property.

15 DR. MORGAN: Why do we have here siting of new ATVs?

16 MR. COSDEN: Well, there was a commitment made to
17 find areas where they felt this could be done sustainably.
18 That is my understanding.

19 DR. MORGAN: That is not a good argument.

20 MR. COSDEN: I wasn't part of that, but I can
21 promise you that it is turning out to be a lot tougher than
22 anybody ever thought, in large part because of us. We have
23 been pointing out -- well, fisheries has another problem.
24 What is wrong with this place? And when we go into the
25 meetings, once again it is, what is fisheries' problem?

1 And so far the department has been responsive, been
2 very responsive on this. Look, we have got brook trout over
3 here, and we know, we have got the reports, we got the studies
4 that show the problems that create.

5 DR. MORGAN: Two quick comments: One, it not only
6 affects the water resources, with sedimentation and ---
7 surface, et cetera, all that kind of stuff. It also affects
8 the wildlife population because we don't want ATVs running
9 through the forest when there are breeding bird populations
10 and other wildlife activities, natural wildlife activities,
11 taking place.

12 Second, if you go into the literature, just look at
13 the literature -- I was working on something about two months
14 ago and I just went in and typed ATV/ORV and I had 250
15 literature citations for the last four years. So I started
16 scanning them, and in almost all cases, everything is
17 negative. There are no really positive benefits.

18 And the federal government is closing down ATV/ORV
19 trails on lots of the BLM lands to protect cultural and
20 natural resource functions so, you know, I am just a little
21 concerned when I see something like that.

22 MR. COSDEN: So are we.

23 MR. DAWSON (away from microphone): Ray, this is not
24 going to make you feel any better, but we have gone through a
25 pretty elaborate exercise. It is a GIS exercise, based on a

1 lot of comments from fisheries, wildlife, et cetera, trying to
2 identify where there are possible areas. We also did a
3 national search on best management practices.

4 And when you start to, as Don was describing, once
5 you start to apply all these different rules, it doesn't look
6 like there is a lot of opportunity but we were charged with
7 trying to figure it out, and we are continuing to work on it.

8 MR. GRACIE: Any other questions? Mike, you are up.

9 ***Estuarine Fisheries Service***

10 ***by Mike Luisi, MD DNR Fisheries Service***

11 ***ASMFC Preview***

12 MR. LUISI: Good afternoon, everyone. I have a few
13 updates to present to you today, so I will start with the
14 ASMFC update.

15 There is a meeting scheduled -- the next meeting is
16 going to be the annual meeting for ASMFC, and it scheduled for
17 October 21st through the 25th. And it is going to be held in
18 Philadelphia.

19 In review, in preparation for the meeting today, I
20 had hoped that ASMFC would have had a working agenda with all
21 the details about everything. The one thing that I thought I
22 would bring up. The striped bass, as you know, are going to
23 be going through a formal benchmark assessment this winter.
24 The terms of reference for that benchmark assessment will be
25 discussed at this meeting.

1 (Tape interruption)

2 Also we got a few calls last week regarding a press
3 release that came out of Delaware. For those of you that may
4 be fishing off the coast, Delaware put out a press release
5 that said they were going to open up their state waters
6 fishery to black sea bass for wave one, which is - for January
7 and February when they are planning to open up their fishery.

8 It triggered a couple of -- a little reaction from
9 our stakeholders, and in my review of what the process was, I
10 wasn't very comfortable with it. What I came to determine is
11 their regulatory process is much different than ours, and they
12 needed to begin the reopening of that fishery for January and
13 February 2013 now in order for them to get it done.

14 The federal government, the National Marine
15 Fisheries Service, has approved the opening the federal waters
16 to black sea bass during January and February. However, the
17 states, through the Atlantic States Marine Fisheries
18 Commission, have not yet made that formal approval.

19 So they are going to be discussing that at this
20 meeting, and there are a few concerns. I certainly have a
21 concern over opening a fishery during a time period when there
22 are no estimated harvests on the recreational side. MRIP and
23 MRFSS, they are not producing any types of estimates during
24 that time period.

25 That would be the first thing that I would be

1 concerned about moving forward with allowing states to reopen
2 those fisheries. So I plan to talk to Tom about this to make
3 sure he is well aware of the issues going into the meeting,
4 but just in case you did see that, you know, that is really
5 what it is.

6 Delaware has said that based on the results of this
7 meeting, they would be prepared to immediately through
8 emergency eliminate the opening during that time so in case
9 that threw up any red flag on any of your radars, you know,
10 that is what is going on in a couple weeks at ASMFC.

11 Moving on, unless you have questions, I can give you
12 the update on the Mid-Atlantic Council. The council meets next
13 week in Long Branch, New Jersey, from October 15th through the
14 18th. Again, this is kind of a light agenda. I thought there
15 were two points of interest that will be discussed by the
16 council.

17 One of them has to do with summer flounder
18 management. A partnership for the Mid-Atlantic Fisheries
19 scientists has taken on a project to evaluate the management
20 strategies that have been used for summer flounder for the
21 past 10 years.

22 All of you who have been involved in any flounder
23 management over the last 10 years, as I have, it has been a
24 little bit of a nightmare as far as -- year by year we are
25 held against our recreational harvest estimates for which we

1 need to come up with new strategies, changing size limits,
2 increasing or reducing creel limits, increasing size limits,
3 modifying seasons. It has been difficult.

4 So a group came together. They have been working on
5 evaluating those strategies that we have used, not just in
6 Maryland but along the entire Atlantic coast. What we have
7 seen is that by increasing -- and you guys are well aware of
8 this, but through the increase in the minimum size limit over
9 time, you are still catching a lot of small fish.

10 It occurs very often in the Ocean City area as well
11 where, you know, it might take 20 fish before you can catch a
12 keeper-size flounder. And there is some concern over the
13 mortality associated with catching and releasing all those
14 small fish.

15 That is one thing being taken into consideration.
16 Another thing is that as you increase the minimum size limits,
17 you are targeting the larger female part of the stock, and
18 that is another problem, and that is another issue that they
19 are going to be working on.

20 So they are going to be reporting back to the
21 council, and if there anything relevant in their initial
22 report -- I am not sure there is a final report at this
23 point -- I will certainly bring it back to you guys to kind of
24 give you a sense of where they might be going with this.

25 I could foresee potentially going to type of slot

1 limit perhaps in the future where some of those smaller fish
2 that are being caught so frequently might be able to be
3 targeted and kept as well as the larger fish as well. So I
4 thought that would be of interest to you.

5 Another action that is going to be taken by the
6 council -- again this is another, because the council is
7 dealing with the advisory body to the National Marine
8 Fisheries Service, it is another issue that is off shore. But
9 Delaware has requested that the council recommend to NMFS that
10 they grant special management zone consideration for five
11 artificial reefs off the coast of Delaware.

12 Those reefs -- there is a user conflict issue
13 between recreational and commercial fishermen fishing in and
14 around the reefs. Partly the reason why Delaware is coming to
15 the council to look for this is because the funding that was
16 used to build the reefs was restoration money.

17 So there is a conflict. They are trying to work it
18 out. I foresee supporting those management zones. It is
19 setting some sort of a precedence moving down the coast. You
20 know, I think fishermen in our state would be concerned about
21 the artificial reefs that we have established off shore in
22 Maryland.

23 I have communicated with our artificial reef
24 coordinator, and it is my understanding that those reefs that
25 we have off of Maryland's coast, the permits are not held by

1 Maryland. They are held by the Ocean City Reef Foundation,
2 town of Ocean City, and the funding sources are not the same.

3 So sportfish restoration money has not been used to
4 develop those reefs. Marty can weigh in, but I think it is
5 mostly private fund raising --

6 MR. GARY: Private donations.

7 MR. LUISI: So just to know that is happening. I
8 don't know if you guys have any questions regarding those
9 points for those meetings.

10 *Questions and Answers*

11 DR. MORGAN: I have got a quick question on summer
12 flounder. Is anyone looking at --- for summer or any flounder
13 species, whether or not they are effective? I know there has
14 slowly been this trend toward using --- hooks in a lot of
15 fisheries.

16 MR. LUISI: I am not aware of any research right now
17 going on looking at that type of thing.

18 MR. SIKORSKI: Do you know the natural mortality
19 numbers that are used for those flounder? Very approximate
20 would be fine.

21 MR. LUISI: I believe, I can't say I am off the
22 record at this point, but I think it is somewhere around 15
23 percent is what is used. I could verify that though and
24 doublecheck that for you.

25 MR. SIKORSKI: 15 percent. What does that mean?

1 MR. LUISI: It is 15 percent of the fish caught and
2 released that succumb to mortality.

3 MR. SIKORSKI: What percent of fish make it to adult
4 age?

5 MR. LUISI: I don't know. I don't have any of that
6 information.

7 MR. SIKORSKI: Natural mortality kind of thing?

8 MR. LUISI: Yes, I thought you were referring to
9 hooking mortality. I don't know. I don't have the
10 information with me.

11 MR. SIKORSKI: I am just relating it to, like our
12 striped bass fishery. I know it is apples and oranges
13 probably but I was thinking about where a slot may be
14 beneficial.

15 MR. LUISI: Well, hopefully some of the work that
16 will be coming out of this will take that into consideration.

17 MR. SIKORSKI: Anxious to see the outcome.

18 MR. LUISI: Yes, I am interested in seeing
19 how -- they have been talking about it for a few years, so it
20 is good that it is finally come to results. Moving on? Okay,
21 I will give you guys the pound net update.

22 ***Pound Net Management Update***

23 Back in July I presented to you work that was done
24 throughout last spring on -- we provided this report to the
25 commission regarding pound net activity in Maryland. We refer

1 to it as our pound net white paper. I think most of you
2 probably remember that conversation.

3 While we compiled this report, it was abundantly
4 clear to us that we had some data gaps, some things that we
5 just didn't know too much about and that we needed to learn
6 more about. One of those was having to do with how many
7 actual nets are actively being fished in the bay and in the
8 bay tributaries.

9 So that was one thing that was absolutely clear was
10 that we needed to address that issue. We also discussed
11 mortality, and mortality associated with pound nets. I
12 reported that based on work that our staff had done from 1992
13 maybe to 2004-2005, that we felt pretty confident that
14 mortality associated with pound nets, especially during this
15 time period, was rather low. It was not something that we
16 were very concerned with at the time.

17 But that mortality conversation leads into another
18 point, which are sublethal impacts. What happens to a fish
19 after it has been held captive in a pound net and is released?
20 Okay, it may not die, but what other behavioral things should
21 we be considering?

22 So we talked about that for a little while, but that
23 is one of these issues, or one of the topics that we just
24 don't know a whole lot of information about. It is something
25 that we are lacking the knowledge on.

1 We received, fisheries received, some pound nets and
2 some feedback after that meeting from a number of the
3 commissioners, and there was an e-mail chain that was going
4 around discussing different actions we could take.

5 We, fisheries, sat down with NRP over the month
6 after the meeting and we have come to the point where we feel
7 there are four actions that we could take. And I am bringing
8 these to the attention of the commission to ask -- we are
9 planning to take this out through the scoping process but we
10 would like to get some feedback from you guys about how should
11 we proceed with scoping these ideas.

12 And then, you know, if you guys have any questions
13 about what these regulations would do, I can answer those
14 questions as well.

15 The first regulation we plan to scope would be to
16 require pound net fishermen, beginning in -- or as soon as the
17 regs can become effective. I believe it would be early next
18 year. We would require that all activity, whether it would
19 be -- we would have to have notification of all pound net
20 activity.

21 So if a fisherman were going to set a net, we would
22 need to be notified of that action. If the fisherman were
23 going to move his net from one location to another, we would
24 have to be notified of that action and we would need to be
25 notified when the season was done or the fisherman was going

1 to remove the net from the water.

2 It would give us as much clearer picture on a
3 bay-wide scale of where effort is being placed, just in terms
4 of pound nets. Not focusing on striped bass at all, but just
5 where pound nets are being set. We think that is going to be
6 really good information.

7 We would be able to monitor that over time to
8 determine whether or not there is more effort being placed in
9 any one particular area. We feel like it is well-needed as
10 far as information for us.

11 Another regulation we would be looking at would be
12 establishing soak time limitations. Right now a pound net
13 only needs to be fished every 30 days. We would be working
14 with the industry, working with NRP, to come up with some
15 limitation on the amount of time that a net could sit idle
16 without being fished.

17 Right now we would plan to scope that for the time
18 period prior to the start of the pound net fishery for striped
19 bass, so it would be from January through May. So fish that
20 were being caught in the main bay or in the tributaries, would
21 if -- let's just say it could be a 72-hour process for which
22 the net needed to be tended.

23 Those details I don't have at this time but we will
24 let you know when we come up with what we formally go to
25 regulation with. Another regulation we would consider is

1 eliminating any types of double cribs. And what I mean by
2 that: Some pound nets have a crib or a trap on either end of
3 what we term as the leader. So as the fish swim and hit the
4 leader and they turn either way, they might go into a trap of
5 some kind.

6 A double crib is what we refer to as another pen
7 that is set next to the actual pen that is catching the fish.
8 And we have been informed -- NRP has, through our
9 conversations, those are typically used to hold fish for
10 lengthy periods of time. That is an issue we would like to
11 see go away, especially during the period when we have
12 migrating fish coming into the bay to spawn.

13 So that would be something that we could also work
14 to eliminate, again, January to June. Later in the year when
15 the pound net fisheries open, it is not as much of an issue.

16 The fourth regulation would be based on time
17 limitations, something like a dawn to dusk type of operation
18 for the pound net fishery from January through May. This is
19 something NRP brought to our attention and said, you know, it
20 might be beneficial just to have fishermen fishing during
21 daylight hours. We wouldn't have to monitor as deeply into
22 the evening or as early in the morning.

23 So another thing we will be taking out for scoping
24 soon. Those are the four we currently have if you guys have
25 any additional thoughts.

Questions and Answers

1
2 MR. JETTON: I have one question about the double
3 end and double crib. Some of our catfishermen in the upper
4 bay that catch catfish commercially live, they set a crib, you
5 know, like in a creek somewhere, where they will store their
6 catfish until a truck comes. How does that affect them?
7 Setting just a crib up there?

8 MR. LUISI: Well, we wouldn't --

9 MS. HUNT: Is it a pound net or is it a fyke?

10 MR. JETTON: No, they set a crib to hold the
11 catfish. Just a crib. They just put a four-walled crib up to
12 hold their catfish alive until the truck can get there because
13 the truck might not come except once a week.

14 MS. HUNT: But it is one pound.

15 MR. JETTON: Yes, and it is not normally a permanent
16 site or anything. It is just a storage area.

17 MR. LUISI: Yes, I am familiar with those types of
18 set-ups, and they are holding facilities, and they are not
19 registered. It is not an official pound net site so --

20 MR. JETTON: I just would be concerned that they
21 would be getting caught up in that, you know, because that is
22 an essential part of that industry.

23 MR. LUISI: We can work to -- if you think that is a
24 major issue.

25 MR. JETTON: Other than that, I thought all the

1 other recommendations sounded good.

2 MS. HUNT: The question would be though -- and
3 actually just to clarify, this is a question on all the
4 regulations Jacob had mentioned as scoping as well. But the
5 question to the commission is when we bring scoping
6 regulations to you, they are still in a draft form. We
7 haven't gone out to the public with them yet.

8 So for this proposal and for those others, does the
9 commission feel that we need additional scoping beyond putting
10 it on the Website and, you know, making it public that way or
11 do you feel we should have meetings? You know, some things
12 are so controversial, especially size limit changes. Usually
13 that is so controversial, we have public meetings?

14 So that is the question usually we are trying to get
15 answered. What do you think we ought to do now that we
16 are -- before we propose, to get public comment?

17 MR. GRACIE: Gina, doesn't the scoping process as we
18 have adopted it imply an opportunity for public meeting?

19 MS. HUNT: The policy that we adopted says we will
20 come to the commissions and ask the commissions if they think
21 we should do meetings. I mean we may choose -- the department
22 may look at an issue and say, my gosh, that is really
23 controversial. We have to do it. We will get crucified if we
24 don't.

25 Or it could just be, you know, let's just ask -- you

1 | guys can gauge your constituents, your stakeholders and say,
2 | this is going to be a big deal for my group. I would like to
3 | see you do more than just put it on a Website.

4 | MR. GRACIE: That policy as you just described it is
5 | something that the commission endorsed just this year.

6 | MS. HUNT: Correct.

7 | MR. GRACIE: The policy that went into effect was
8 | after a joint legislative chairman's report to set up scoping
9 | as part of any regulatory process.

10 | MS. HUNT: Right. And then we have since changed
11 | how we do it. Now it is as I just described.

12 | MR. LUISI: So without, just to be clear, without
13 | any recommendation from the commission to take this out to a
14 | public hearing of some kind, we would put it on our Website
15 | and promote it through our Website, receive public comment
16 | back.

17 | MS. HUNT: But we will also ask tidal fish as well.
18 | And even if the commissions are like, well, it doesn't affect
19 | my stakeholders, we may still have heard from other members of
20 | the public that ask us to do something like that.

21 | MR. GRACIE: So you could respond to that also.

22 | MS. HUNT: Sure.

23 | MR. SIKORSKI: Well, one regulation -- I can't
24 | recall off the top of my head -- I know there is a regulation
25 | with regard to marking and removal of poles. I know, maybe it

1 is just a matter of making a call to NRP and having them
2 investigate a certain area, but I know a certain number of
3 nets, I just ran across them last week so it is fresh in my
4 head -- for poles, not nets -- that have been there for a long
5 period of time, unfished, and need to be removed.

6 Maybe it is just, I will make a phone call and see
7 what can happen, but that continues to be a problem, unmarked
8 nets. Ghost poles, it is called.

9 MR. LUISI: So there is no net, it is just poles.

10 MR. SIKORSKI: Even if there -- well, unmarked
11 poles, net or no net, is a problem. I mean, we have these
12 poles called ghost poles. I know there is one I marked one on
13 my GPS three years ago. And I avoid it in the dark when I go
14 past duck hunting. And I was fishing there last weekend and I
15 went, gosh, these are still here.

16 And I found another one. Oh, that is still there.
17 You know, they need to be removed.

18 MS. HUNT: Right. That is currently a rule that you
19 can just call and they can --

20 MR. SIKORSKI: Yes, I will just make that call.

21 MR. LUISI: We can work with NRP on that as well to
22 determine who that net might be registered to if there are no
23 markings on it.

24 MR. SIKORSKI: Right. I think there are regulations
25 in place.

1 MR. GRACIE: If we can stick to the subject because
2 we are going to have trouble finishing the agenda today. So
3 let's talk about the regulations we want to -- Brandon?

4 MR. WHITE: Is there any proposal or regulation not
5 to have the pound nets in the closed river systems?

6 MR. LUISI: That is not something we are
7 currently -- we are not planning to take that idea any further
8 at this time.

9 MR. WHITE: And how would we get to a place where
10 that idea, you would take that into consideration?

11 MR. LUISI: I think we would need to, we would need
12 to see that the issue, that the nets that are being fished in
13 those areas, they have some impact that we would be concerned
14 about. Currently we don't feel there is -- I mean given what
15 we are moving forward with, first of all, understanding where
16 nets are.

17 And then if we were able to move forward with having
18 to fish more often so that fish aren't being held. We know
19 that mortality associated with pound nets, even during that
20 time period, is low. So, you know, I think over time if we
21 were seeing an increase in the number of nets being set, if
22 effort increases, that could be something that would trigger a
23 reaction.

24 But right now we don't even realize what that effort
25 even is. Our first steps are to start understanding and

1 gaining and developing information on the fishery.

2 MR. WHITE: So I understand that, and I am actually
3 going to help you with that because I put my money where my
4 mouth is and we created an application called Fishtagger, and
5 it will take a picture and geolocate anything you do, pruning
6 sick fish. And it came about from roundscale billfish,
7 because we are looking at tagger.

8 And it will come up, and that information will be
9 publicly available, so you will be able to download that. But
10 you are also, in these regulations, not introducing anything
11 to keep track of how many striped bass are released during
12 those times in those pound nets, is that correct?

13 MR. LUISI: That is correct.

14 MR. WHITE: so without that data, without us
15 introducing that sort of, then we kick this down the road
16 three more years because we find out where the nets are, but
17 we didn't keep track of how many rockfish were being released.

18 MR. LUISI: I appreciate your concern. You know, if
19 we were to ask for fishermen to provide that information,
20 without some type of verification or monitoring of that, the
21 information that you would get is useless.

22 MR. WHITE: Fair enough.

23 MR. LUISI: So I think given the current state that
24 we are in with the workload that we have and the monitoring
25 efforts that we already have in place and the priorities that

1 we have for --

2 MR. WHITE: I am not asking you to monitor it. I am
3 asking the fishermen fishing the nets, that when they release
4 100 rockfish, of which they know because they dump it on the
5 deck and they throw them overboard because that is how they
6 cull the fish, they can count, even if it is an estimate.

7 Now if they lie, there is nothing that -- I mean we
8 have a hundred reporting systems in the Chesapeake Bay where
9 we rely on the fishermen, whether that is a charter boat
10 fisherman, a rec fisherman or a commercial fisherman to
11 report. It is only as good as they report.

12 But my point is without having that data, then we
13 know where the nets are but we don't even know how many
14 rockfish they are catching in the first place, which is the
15 first issue.

16 Second of all, we had the sublethal issue with catch
17 and release, and we all agreed at that time that because we
18 didn't have that data, which arguably we will never have the
19 data, right? Unless some magic science thing comes up that we
20 can do, that it was probably because the striped bass is
21 important that we would be on the safety side.

22 So I am only reiterating that we already agreed that
23 is really a problem and we should take that into
24 consideration. The second is without -- I think the other
25 regulations that you are proposing are good and probably fix

1 | some problems but as it relate to the spawning rivers, which
2 | is how this -- why I introduced it -- it came about.

3 | If we don't collect that data about how many striped
4 | bass, then we will never -- I mean, our hands are tied. We
5 | will say, well -- this is exactly how it will go down. Well,
6 | now we know how many nets. And the other argument will be
7 | yeah, but don't know how many striped bass.

8 | So we are going to do that regulation, and then we
9 | are going to collect that for three years, and meanwhile all
10 | this is still happening. So all I am saying is a suggestion
11 | would be is that sort of regulatory thing, during that closed
12 | time, needs to be reduced.

13 | MS. HUNT: I think, Brandon, we can take that into
14 | consideration in our commercial reporting system and come back
15 | to you guys. Maybe just even look at, you know, what would
16 | that require on our end. It may not require regulations to
17 | even implement that, okay?

18 | So I don't want you to think that even if the ship
19 | sails with this proposal, you would have to wait until another
20 | regulatory package. If we look into what our commercial
21 | monitoring is, our reports, we have logbooks. Some of them
22 | are already printed. Most of them are already printed. So
23 | what is the cost of printing logbooks? If we were going to
24 | change that information that is included in the logbook, we
25 | would have to come back to you.

1 You know, we will have to go look at that and see
2 what it would take on our end to actually even implement it.

3 MR. WHITE: Didn't you guys implement a -- because I
4 actually don't know. I heard about this a long time ago. The
5 handheld reporting system, where they are doing it on an app,
6 or is that not --

7 MS. HUNT: That is for crabs. Right now there is a
8 pilot project.

9 MR. WHITE: It is not across all fishing.

10 MR. LUISI: We have a number of electronic reporting
11 projects that are in the works. Some of the text messaging.
12 There is a pilot crab project that is happening right now. We
13 envision that for a species like striped bass, sometime in the
14 near future, within the next year we hope, there will be a
15 hailing system, which will have an electronic reporting
16 component to it.

17 And I certainly appreciate the need for the
18 information. I appreciate the idea, the concept that we need
19 to collect the data in order to act on it. I have certain
20 concerns about trying to get information without having any
21 type of monitoring or verification of that data because those
22 data will end up meaning nothing when fishermen find out that
23 by reporting this, it is only going to cause these other
24 problems down the road.

25 So it is just the behavior. Hopefully we will have

1 that information.

2 MR. WHITE: So all I am asking is --

3 MR. LUISI: And we will certainly consider that,
4 sure.

5 MR. WHITE: All I want to know is the path to how we
6 get there. So you guys define that and then let's talk about
7 it. But I want to have that discussion so that we get on the
8 path.

9 MR. GRACIE: I have a question. Gina, are you
10 saying you can implement this requirement to keep track of the
11 number of stripers released without regulations? What does
12 that mean? Is that a voluntary system then? Nobody is
13 required to -

14 MS. HUNT: No. What I was saying is we could get
15 back to it and say -- whether it requires a regulation change
16 or not, there is already the requirement in law that if you
17 are a commercial waterman, you have to fill out the reports
18 that we say.

19 MR. GRACIE: That is a blanket statement.

20 MS. HUNT: It is a blanket statement. So I would go
21 back to legal and say, what can we do here as far as what we
22 ask for reporting? But then -- that is just the regulatory
23 answer. Then there is what would it take logistically for us
24 to be able to do that, knowing that we are not there with
25 electronic reporting yet.

1 So there is obviously a significant cost on our end.
2 There is data entry. There is also the printing of materials
3 so I just, you know, there are several answers, I think, that
4 we have to provide you and I think that is what Brandon is
5 asking, just to come back --

6 MR. GRACIE: He is, and then I am asking what is the
7 timing of this because if you are going to get back to us, we
8 are not going to meet again until February according to the
9 schedule we just put out.

10 We are already into the time period where you
11 couldn't do this if there was a problem for this coming
12 season, correct?

13 MR. WHITE: Well, you potentially could if you
14 haven't printed the books yet.

15 MS. HUNT: Right. Well, finfish books are not
16 distributed on an annual basis. They are distributed when you
17 run out of reports.

18 MR. JETTON: On an as-needed --

19 MS. HUNT: Yes, they are as needed. So it is really
20 at what point do you have to just stop and start over with a
21 new book? Have we ordered replacements? Do we already have a
22 ton in storage right now?

23 MR. WHITE: So if you could just get back before the
24 next meeting so that we understand -- you can do that via
25 e-mail. I think that would be the easiest way. And I think

1 that would be great.

2 MR. GRACIE: Thank you. Anything else? Dave?

3 MR. SIKORSKI: So the regulatory package you are
4 looking at now, fisheries service discussed it with NRP, some
5 things they need to maybe fix? If NRP is comfortable with the
6 current regulations with regard to removal of poles and
7 marking, then move forward with it but maybe circle back on
8 the --- if it is possible just so we can include that in this
9 current package.

10 MR. LUISI: I mean, the poles you are referring to
11 sound to me as if they are in there illegally. It needs to be
12 identified and removed. The rules in place -- you have to
13 take all your poles out as of January first, I believe, for
14 one month, unless you get approval from the department to
15 leave them in and fish during the winter, which not too many
16 people do.

17 MS. HUNT: But you can't leave poles there without a
18 net on them for more than 30 days.

19 MR. LUISI: Right, so that just needs to be
20 addressed. They are illegal.

21 MR. SIKORSKI: But if there are any slight
22 regulation changes that NRP would request, let's try to get
23 them into this round of changes as opposed to trying it again
24 later on.

25 MR. GRACIE: Does the commission want to respond to

1 the request for whether or not public scoping is advisable for
2 these regulations?

3 MR. WINDLEY: I think it would be good.

4 MR. GRACIE: Bill Windley thinks it would be good.

5 Do you want to make a motion and see if we --

6 MS. HUNT: That means we will have a meeting.

7 MR. GRACIE: That means you will have a public
8 meeting. You will offer a public meeting.

9 **MOTION**

10 MR. GRACIE: I have a motion. Is there a second?

11 MR. SMITH: I will second it.

12 MR. GARY: Who made a motion?

13 MR. GRACIE: Bill Windley. Dave Smith seconded.

14 Discussion on the need for a public meeting on the
15 regulations, the scoping meeting.

16 MR. WHITE: From the department's perspective, do
17 you think we need a meeting on this?

18 MR. LUISI: I think since we -- I was planning to,
19 and send a letter probably to every registered pound net site
20 holder explaining what we are doing and asking them to call or
21 supply us with comments. I mean a meeting, I am not sure you
22 will get very many people attending that meeting.

23 MR. JETTON: I am just not sure what kind of
24 response you are going to get unless the recreational was to
25 turn out, but pound netters, traditionally I just don't think

1 they are going to show up for that. They are going to call
2 you.

3 MR. LUISI: They are going to call. I think we
4 could achieve, we could get the information out there more
5 efficiently by not trying to hold a public meeting where
6 somebody would have to be here for two hours.

7 MR. JETTON: It is just more money being spent.

8 MR. LUISI: You are only talking 100 people probably
9 in the state, a maybe a few more, 120 people, that hold sites
10 this time of year. That time of year, there are even fewer
11 people actively working so.

12 MR. GRACIE: Before I let you ask your question, let
13 me ask you a question, Mike. In the event that you send this
14 information out to the pound netters, and they all objected
15 strenuously, wouldn't you then find yourself in the position
16 of saying there is no support for these regulations? There is
17 nothing but objections? And if the public doesn't know, you
18 would never hear the other side. That is my question.

19 MS. HUNT: Well, at that point -- I mean that is
20 sometimes what we do before having a meeting anyway is put
21 that information out. I mean, that is the point of putting it
22 on a draft Website, to get comments through our Website, and
23 we can kind of gauge the public sentiment that way.

24 If it is really controversial, should we have a
25 meeting? If that happens, and we got a lot of responses

1 | opposed, then we could determine maybe we should have a
2 | meeting now. You know, it doesn't -- because we got a bunch
3 | of responses back that says I am vehemently opposed, doesn't
4 | mean we don't go forward. It just means, you know what, we
5 | need to do some more scoping.

6 | MR. LUISI: The pound netters are the ones who are
7 | going to have to do something based on this. If you guys
8 | think there is enough of an interest in the sport
9 | fish/recreational community that you think the people would
10 | show up --

11 | MR. GRACIE: We are trying to find out that is why
12 | we have the question on the floor.

13 | MR. LUISI: I don't know. You guys -- I don't know.

14 | MR. GRACIE: Dave?

15 | MR. SIKORSKI: I think given the -- we created this
16 | new system, just say, hey, by default we are not having a
17 | public meeting. But we will use the electronic means that we
18 | have. I think it is -- my personal opinion on this issue, I
19 | can't see many people attending a public meeting from the
20 | recreational community. But I do think if we use various
21 | outreach methods -- Brandon's site, and e-mail and whatever
22 | else, you could get a lot of input from recreational anglers.
23 | But given history, they are not going to show up at meetings.
24 | There are only the select few, many of which are in this room,
25 | that may show up.

1 MR. GRACIE: We'll feel obligated to. Any other
2 discussion on the motion from the commissioners?

3 (No response)

4 MR. GRACIE: Anybody from the public want to make a
5 comment before we vote on the motion?

6 (No response)

7 MR. GRACIE: The motion is to hold a public meeting,
8 is to offer a public meeting. So I will call the question if
9 there be no further discussion. All in favor say aye?

10 MR. GARY: I need a show of hands.

11 MR. GRACIE: Oh, yes, you want to count. I am
12 sorry.

13 (Show of hands)

14 MR. GARY: Three in favor.

15 MR. GRACIE: Opposed?

16 (Show of hands)

17 MR. GRACIE: Motion fails. So the commission's
18 advice is you do not need a public meeting. Thank you.

19 MS. HUNT: Well, we will let you know if we have one
20 anyway.

21 MR. GRACIE: I am sure you will.

22 MS. HUNT: We could still have one so we will let
23 you know.

24 MR. LUISI: Okay, the last agenda item under
25 estuarine deals with the status of spotted sea trout.

1 ***Status of Spotted Sea Trout Management***

2 MR. LUISI: Dave, we went back and forth. I can
3 spiel off a whole bunch of information but if it is not
4 necessary, let's --

5 MR. SIKORSKI: No need. My reason for bringing this
6 up is we have been blessed I think this year with -- maybe
7 even last year -- with a resurgence in speckled trout in most
8 of the lower reaches of the bay. I know guys catch them in
9 the eastern bay. I know guy catch them around the bay bridge,
10 so they have come far north.

11 No need to get into the technicalities of why but I
12 think it would behoove the department to look into the
13 fisheries management plan, which I know is required to be
14 updated so frequently.

15 I don't know where it falls in the upcoming schedule
16 but I would like to see it bumped up as soon as possible to go
17 into review so we could possibly make any changes in the
18 management of that fishery to benefit the state as much as
19 possible while we do have these fish here and can take
20 advantage of that.

21 MR. LUISI: I don't know where it is in the process
22 of review. I will tell you that it is probably not very high
23 on the list. But we can certainly look into that. I think it
24 would be good to say or talk a little bit about just what
25 measures in Maryland may do.

1 You know, this is a species that we are kind of at
2 the northern extent of its range. They do go more north but
3 they are North Carolina, South Carolina, Georgia, Virginia.
4 You know, it is a little bit large of a fishery.

5 It is although migratory, somewhat migratory in
6 nature, those fish tend to stay close to where they, their
7 natal areas. However, their tolerance for cold water is such
8 that, you know, typically this time of year they are going to
9 start moving out.

10 This species is managed through the Atlantic States
11 Marine Fisheries Commission and the South Atlantic Council. A
12 review -- my side of the world doesn't deal with FMP review.
13 That is Gina's thing. But we can certainly take that into
14 consideration and look to see whether or not there are actions
15 we can take.

16 Just for the edification of the commission, Maryland
17 is currently one of the states that has a larger size limit to
18 a more conservative size limit than other states along the
19 coast. You know, the idea that maybe reducing the creel limit
20 in some way may help.

21 It is hard for me to think that some action that we
22 could take in Maryland would have a stock-wide impact, and
23 that is going to be a difficult thing to do unless you just
24 eliminate the entire fishery and try to get all your other
25 neighbor states to do the same thing. A follow-up is

1 something we can certainly do.

2 *Questions and Answers*

3 MR. GRACIE: I guess we would be interested in
4 knowing in some timeframe when you are likely to review the
5 FMP for spotted sea trout. Or why you don't think you need to
6 if that is the case. Could we ask when you could give us that
7 feedback?

8 MR. LUISI: Well, I would have to work with Gina and
9 her staff, to determine what they have on their --

10 MS. HUNT: Just to clarify, it is not like we leave
11 FMPs sitting on a shelf. Every year there is an update to
12 each FMP, but it
13 could it be as much as a paragraph, you know, add additional
14 catch information, stuff like that.

15 They don't just sit there but actually going in and
16 looking at the background objectives, goals and information in
17 an FMP and completely redoing one, yes, that is a big
18 undertaking and something really has to be scheduled to be
19 done.

20 And to be clear, the last FMP we had was a joint FMP
21 with weakfish. Now weakfish has its own FMP so it really
22 would be dissecting this back out of a joint FMP and writing
23 one all by itself so it wouldn't be small.

24 And like Mike said, we currently are one of the more
25 conservative states because of our size limit. I think it is

1 two inches higher than is required by ASMFC. It is just our
2 creel limit is not.

3 MR. O'BRIEN: You know, Dave is looking at the
4 future because talking to some of the guides down south,
5 Crisfield, they are amazed about the number of these speckled
6 trout that are showing up. And then you get down in Virginia.
7 I mean, it is really on top of the table. They have never
8 seen speckled trout fishing like they are seeing now.

9 This fits right into our earlier discussion when it
10 comes to enforcement. These fish stay close to shore, close
11 to the rocks, and it is a factor that they are very accessible
12 that way. So I think definitely it is something we need to
13 put on our agenda that we are taking a look at.

14 Just like we talked earlier about the snakeheads,
15 and then how quickly things can change. We talked about red
16 drum and how quickly that is changing. Climate, I don't know
17 what it is. But speckled trout is right on that menu too.

18 MR. GRACIE: So let me ask again: When can we
19 expect to know if and when you are going to --

20 MS. HUNT: We will get back to you. That will be an
21 action item for us. When the FMP would be --

22 MR. GRACIE: When will you get back to us?

23 MS. HUNT: By e-mail. As you said, you don't have
24 another meeting until February so we will just have to e-mail
25 a response.

1 MR. SIKORSKI: Regardless of what your answer is, as
2 to when, I think my recommendation would be that you put it in
3 the front of the line.

4 MR. WHITE: Can I just ask one question along this
5 line? Instead of reviewing the whole FMP, can they fix what
6 the issues are just by regulation without -- no, you have to
7 redo the whole thing.

8 MS. HUNT: Well, as I said, we provide updates every
9 year. But to go in -- and I think maybe we should do this. I
10 think the commission really, you should take a look at what
11 the current FMP is and then decide whether or not it warrants
12 it. But it is old, maybe 1990, '94, something like that, is
13 when it was written.

14 So, you know, it is very old, and like I said, it
15 was joint with weakfish, but just looking at what is in their
16 for spotted sea trout, whether or not you think that piece of
17 it does warrant just going back in and completely making a new
18 FMP.

19 There is an FMP process, and it goes through public
20 comment. It is long. It is very time consuming.

21 MR. WHITE: That is why I was asking --

22 MS. HUNT: Yes, there is a process, and that is why
23 there is a schedule for doing these. But, you know -- and
24 every time we go through one of these, there are habitat
25 issues that need to be incorporated back into FMPs. So that

1 is why I said, it is not just here is the biology and here is
2 the catch.

3 But we will take a look at it and maybe just give
4 you guys a copy of the current FMP so you can see if that is
5 something you think we should do. And then once an FMP is
6 updated, you have gone through all that work, then it is
7 proposed to be incorporated by reference as a regulation.

8 So it goes into state regulation by reference
9 because it is usually a document about yea size, and you don't
10 want see that in regs. Then there is another public comment
11 process, which actually is to incorporate it.

12 MR. GRACIE: This is all under the law of setting up
13 FMPs.

14 MR. WHITE: I was just saying instead of redoing the
15 FMP, if you -- the minimum size limit is two inches already
16 over, so can you introduce a creel limit as opposed to
17 redoing -- if there are concerns. I am asking for a shortcut.

18 MR. GRACIE: The concern that I think lies behind
19 this is we may be unnecessarily restricting opportunities for
20 fishermen under the current circumstance.

21 MR. SIKORSKI: And vice versa.

22 MR. LUISI: If I could just make one more point, I
23 think it - I believe it was just this past summer, the omnibus
24 amendment I think at the commission level put in place a -- it
25 is not so much a biological reference point but it put in

1 place kind of a line dealing with spawning potential, the
2 spawning potential ratio for this species.

3 So the commission is watching the indicies and they
4 are looking at the data more closely than they have in years
5 so what would happen is if the spawning potential ratio is to
6 drop, based on the work that is being done with all the
7 states, if the assessment indicates, the commission would
8 likely engage in some additional management to provide for
9 some new management options.

10 But for right now, I don't think -- there is a
11 concern, we just don't want to see this fishery go away. I
12 think that is kind of what it boils down to.

13 MR. GRACIE: Okay, I really was asking when we would
14 hear from you and your answer was an e-mail. I don't know
15 what that means in terms of when.

16 MS. HUNT: Yes, I don't either. As soon as
17 possible.

18 MR. SIKORSKI: If you can provide a copy of that
19 FMP, the current, that would be great.

20 MS. HUNT: Yes, absolutely.

21 MR. LUISI: That is all I have.

22 MR. GRACIE: Thank you, Mike. Gina, you want to
23 talk about the budget?

24

25

2012 Annual Budget Report

by Gina Hunt, Deputy Director, MD DNR Fisheries Service

Budget report, okay. It is not in your binders. I believe it was handed out to you separately, correct, Diane? Okay.

So this is the budget report on FY2012, fiscal year. I guess I am just going to point out a couple things that are different from FY2011, but in general this is to convey the information to the public where the money is coming from in fisheries service budget and where it is going out to.

So we introduced this report last year. Got some comments on it but I certainly would like to encourage the commission to look at this again and see what improvements we can make. You know, time allows. Now we have a little more time between this report and '13's, whereas 11's just came out in June or July.

There wasn't a whole lot more time to make changes but we certainly have a year now to make some changes for '13. One of the things that is different is that there is -- there is obviously the explanation of revenue, an explanation of expenditures. And then trying to get to what is fisheries service doing with this money. There is a section called activities and accomplishments.

So -- and this is on page 9 where we actually went through all of our time spent and allocated that across

1 functions. So in fact this is an exercise that has been done
2 departmentwide not just fisheries service, trying to look at
3 ways to consolidate functions in the department.

4 So this is fisheries service where we spend the
5 majority of our time: conservation and management, restoration
6 and enhancement are obviously two big pieces of the pie. But
7 there is a lot more underneath here. So that is new to this
8 report. As well as the accomplishments.

9 Last year's report I think mentioned what type of
10 work does fisheries service do. This accomplishment section
11 is things that we accomplished in FY2012. Certainly not an
12 exhaustive list. We have done a lot but these are some of
13 the highlights to really focus on what each, what fisheries
14 service did on each of these objectives under the priorities
15 of fisheries service.

16 And, you know, I guess just to recap -- oh, the
17 other part that is in here is a cost-recovery section because
18 it certainly is a function the fisheries service has been
19 doing starting in fiscal year 2012 and it is still ongoing now
20 in '13. So there is a mention of cost recovery in this
21 report.

22 But in general I could just say, you know, at this
23 point we are still outspending revenues. Fiscal year 2012
24 outspent revenues by \$2.1 million so this is where that
25 cost-recovery information is kind of coming into play looking

1 for new sources of revenue. And I will take any questions. I
2 know you haven't looked at it. I will apologize profusely for
3 how late it got to you but we were working our butts off.

4 *Questions and Answers*

5 MS. STEVENSON: I really think it is a significantly
6 improved report. It is much more understandable. Just what I
7 have glanced at is much more understandable. I think there
8 are areas, of course, that you could improve but I really like
9 that pie chart that has where you actually put the money, the
10 one that is the blow-up, and it has each one of the divisions.

11 What kind of money did you get, what did you use
12 that money for. I think I am a little confused about that one
13 pie chart still that has the uses. You have the big pie chart
14 that looks like an identical pie chart from the other one.

15 MS. HUNT: The two pie charts on revenues? The
16 first pie chart is on all of our different sources of revenue.
17 And then one piece of that, the red piece of pie, is special
18 funds. So that second pie is where did those special funds
19 come from.

20 MS. STEVENSON: I got that one, but then the third
21 one.

22 MS. HUNT: The third one is expenditures.

23 MS. STEVENSON: But the expenditures, I think, might
24 be better represented if you had a bar chart or just something
25 that showed here are the revenues. This is the expenditure.

1 Here is the revenue. This is the expenditure. This is the
2 deficit.

3 But I thought it was really good, especially at
4 capturing accomplishments. Because, you know, if you are
5 going to convey that you got this money, then you want to show
6 the good news for it, and I think that accomplishment section
7 really does.

8 I think it could be boiled down a little bit into
9 more, you know, less reporting for your office and more catchy
10 little bullets that show what it was that you got out of it.
11 I think there are a little too many.

12 MS. HUNT: On the activities or the accomplishments?

13 MS. STEVENSON: On the accomplishments.

14 MS. HUNT: You thought we accomplished too much?

15 MS. STEVENSON: No, I thought the way it was
16 presented was not zingy enough for the public. Because I know
17 what you are saying. Those are really good accomplishments.
18 But, you know, you have got to pop them out to people. But I
19 thought it was good. I thought it was a real good effort.

20 MR. GRACIE: Any other questions or comments on the
21 budget report?

22 MS. HUNT: The last one I forgot to mention was
23 there was some discussion earlier about our priorities, and
24 there is an appendix in here for our priorities for FY13. So
25 this is a little forward. It is not a report on what happened

1 in '12. This is a forward, this is the priorities the
2 fisheries service sees us focusing on in fiscal year '13.

3 So again I will just say I know you have not had
4 much time to look at it so if you have -- go home, read it.
5 Put it by your bedside table. And if you think of things that
6 you would like us to suggest changing in '13, just send us an
7 e-mail because we obviously will be working on this throughout
8 the year.

9 MR. GRACIE: I guess I would prefer the commission
10 had that discussion as a commission rather than have
11 individual e-mails going to you.

12 MS. HUNT: Okay, yes. Sure.

13 MR. GRACIE: We have been focused on that for the
14 past year so I think we would like to continue to stay in that
15 role. Marty, you want to go over action items?

16 ***Action Items***

17 ***by Marty Gary, MD DNR Fisheries Service***

18 MR. GARY: Sure. I would like to go ahead and read
19 these action items so I can get that wrapped up and sent out
20 to you all. So if there is anything that needs to be
21 clarified, let me know.

22 The first action item, I am sorry for the board not
23 connecting, but DNR will provide a ruling on a requirement for
24 additional meetings without DNR staff in parentheses. So the
25 intention was we are going to find out the protocol and what

1 the options would be.

2 MR. GRACIE: That doesn't really say that though.
3 That says you are going to provide a ruling on whether or not
4 we have additional meetings the way you have worded it.

5 MR. GARY: How do you want to word it?

6 MR. GRACIE: I think whether they need to be public
7 meetings with public notification.

8 MR. GARY: So DNR will provide a ruling on --

9 MS. HUNT: The protocol for public notice.

10 MR. GARY: DNR will provide a ruling on protocol for
11 holding public meetings without DNR staff.

12 MR. GRACIE: Okay.

13 MR. GARY: Second action item: Distribute -- one
14 person asked for it but I assume you all want it. Distribute
15 the snakehead technical document that Don presented to you, to
16 the commission. So I guess electronically, so if you want to
17 distribute that. Actually, is that separate from what you
18 handed out tonight? The abstract. Okay, so this is the whole
19 technical document so I will send that out to everybody.

20 Third bullet: DNR will identify what process will
21 be required -- this is in regard to pound nets, and Brandon,
22 if you can help me clarify this with Mike on this one.

23 DNR will identify what process would be required to
24 collect striped bass by-catch information from pound net
25 fishermen in the spawning rivers prior to June.

1 Second part that you weren't sure of --

2 MR. LUISI: You had a question. I don't know if you
3 wanted feedback or you wanted us to respond or not. Your
4 question was in the line of what would have to happen -- A, B,
5 C and D - in order to get the nets out of the river.

6 MR. WHITE: Yes.

7 MR. LUISI: So you want us to respond. You just
8 want a response.

9 MR. WHITE: Just saying, yes, this is what it would
10 take.

11 MR. LUISI: Okay.

12 MR. WHITE: A, B, C, D, E, F.

13 MS. HUNT: That is a separate action item from the
14 one you have.

15 MR. GARY: So DNR will respond with what process is
16 required to remove pound nets from spawning --

17 MR. WHITE: What would be required, right.

18 MR. LUISI: What information we would need to see.

19 MR. WHITE: Right.

20 MR. LUISI: Or where our level of concern would
21 raise --

22 MR. WHITE: Roadmap.

23 MR. GARY: All right, I am just going to read it
24 back for you one more time, Brandon.

25 DNR will respond with what information would be

1 required to permit the removal of pound nets from spawning
2 rivers in the spring. Is that sufficient?

3 MR. LUISI: I understand what you need so I think
4 that is most important thing -- yeah.

5 MR. GARY: And finally the last one is DNR will
6 provide feedback to the commission on when the spotted sea
7 trout FMP will be conducted. And the current FMP will be sent
8 to the commission.

9 MR. GRACIE: Yep. Thank you. Do you want to say
10 anything about the meeting schedule?

11 ***Discussion on Meeting Schedule***

12 ***by Marty Gary, MD DNR Fisheries Service***

13 MR. GARY: The only thing I would say to you is it
14 essentially mimics the schedule from last year with the
15 priority applying to timing just before the Mid-Atlantic ASMFC
16 meetings.

17 So I just simply referenced those with calendar year
18 2013 and placed those fairly close to the front end of when
19 they are going to be. I believe they are -- I can't say for
20 sure but I believe they are all Tuesdays.

21 MR. GRACIE: Okay.

22 MS. HUNT: And also -- there is no date, just kind
23 of keep it on the radar, that we will have another joint
24 meeting of sport fish and tidal fish to go over a
25 cost-recovery report.

1 You may remember the cost recovery report was due
2 October 1st. It is not there, not done, so we have filed with
3 the legislature, just a letter explaining the process that we
4 are undergoing and the report will be submitted of course this
5 year. We are meeting with tidal fish on Thursday, this
6 Thursday evening, going over cost recovery again.

7 Hopefully after that meeting we will be able to put
8 some ideas to paper, get them out to the commissions and then
9 have a joint meeting to go over the draft report. So it would
10 be a draft at that point, looking for feedback from both
11 commissions, in which we would have a joint meeting.

12 I don't have a timing for that. A lot of it depends
13 on what happens at tidal fish this Thursday. If we do not
14 have enough substance, then we might have to have another
15 tidal fish meeting, which would, of course, push back the
16 joint meeting.

17 So I don't have any dates for you because I really
18 just need to see what happens this Thursday but I just wanted
19 to put it on your radar that there will be a meeting upcoming
20 before the end of the year.

21 MR. SIKORSKI: By substance do you mean some sort of
22 agreement? More agreement than you have now?

23 MS. HUNT: I will tell you what I told several of
24 the commissioners just last week was there has been a lot of
25 good discussion but sometimes a person brings up a point and

1 | there is no motion on it. So it is not clear whether or not
2 | the entire commission agrees to that point or if that is one
3 | commissioner's viewpoint.

4 | So we are going to -- and the chairman, you know,
5 | certainly agreed try to focus the discussions into having
6 | everybody have a say: Yes, I agree that should go in there or
7 | no, I do not. And once we have something a little more
8 | tangible, then we would be able to put it to paper.

9 | But right now we just have a lot of ideas floating
10 | around, and I can't tell who agrees and who doesn't.

11 | MR. GRACIE: Brandon?

12 | MR. WHITE: Ed made a reference to a document
13 | earlier that I thought related to these meetings so I was
14 | under the impression -- was that not --

15 | MS. HUNT: That was striped bass. That was actually
16 | our striped bass open house materials.

17 | MR. WHITE: Sorry. Yes. I thought we were
18 | referring to -- got it.

19 | MR. LUISI: So you guys know -- Ed did bring it
20 | up -- we are meeting with the striped bass industry workgroup
21 | on Thursday prior to the Tidal Fish Commission meeting, where
22 | we are going to review all the feedback that we received from
23 | the open house process regarding the changes, the major
24 | changes, that we are planning to take by 2014.

25 | MR. WHITE: The hail in, hail out?

1 MR. GRACIE: What time and where?

2 MR. LUISI: Not the hail in, hail out. We are
3 considering individual fishing quotas, ITQs, catch shares --

4 MR. WHITE: Where can we get that document?

5 MR. LUISI: That is on our Website.

6 MR. GRACIE: What time and where?

7 MR. LUISI: It is in the cafeteria at 3:00 p.m.
8 3:00 p.m. to 5:00 p.m.

9 MR. GRACIE: This Thursday.

10 MR. LUISI: It is a full workgroup meeting. We sent
11 letters out a week ago at least.

12 MR. GRACIE: Let's move along here. We are running
13 overtime. Any other issues from the commission?

14 (No response)

15 MR. GRACIE: Any comments from the public?

16 (No response)

17 MR. GRACIE: Thank you. We are adjourned.

18 (Whereupon, the meeting adjourned at 5:10 p.m.)
19
20
21
22
23
24
25